



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



CERTIFIED MAIL - RETURN RECEIPT REQUESTED

James E. Hartl AICP  
Director of Planning

March 9, 2006

Armbruster & Goldsmith  
10910 Wilshire Boulevard, Suite 2100  
Los Angeles, CA 90024

ATTN: Aaron Clark

RE: MODIFICATION OF SPECIAL PERMIT NO. 1404-(5)

Dear Permittee:

PLEASE NOTE: This document contains the Planning Commission's findings and order and conditions relating to **APPROVAL** of the above referenced case. **CAREFULLY REVIEW EACH CONDITION.**

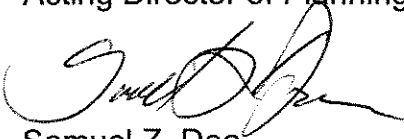
Condition 3 requires that the permittee must file an affidavit accepting the conditions before this grant becomes effective. **USE THE ENCLOSED AFFIDAVIT FOR THIS PURPOSE.**

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Regional Planning Commission's decision to the Board of Supervisors through the office of Violet Varona-Lukens, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California, 90012. Contact the Executive Office for the necessary forms and the amount of the appeal fee at (213) 974-1426. The appeal must be postmarked or delivered in person within fifteen days after this notice is received by the permittee.

If no appeal is made during this fifteen-day period, the Regional Planning Commission action is final. Upon completion of the fifteen-day period, the applicant can submit to the Department of Regional Planning staff the acceptance affidavit and any fees, deposits, plans or other materials required by the permit conditions. At the end of the appeal period, please notarize the attached acceptance form and **hand deliver** this form and any other required fees or materials to the planner assigned to your case. It is advisable that you **make an appointment** with the case planner to assure that processing will be completed expeditiously. If you have any questions regarding this matter, please contact the Zoning Permits Section at (213) 974-6443.

Very truly yours,

DEPARTMENT OF REGIONAL PLANNING  
James E. Hartl, AICP  
Acting Director of Planning

A handwritten signature in black ink, appearing to read 'Samuel Z. Dea', written over a horizontal line.

Samuel Z. Dea  
Acting Supervising Regional Planner  
Zoning Permits Section I

SZD:szd  
(Hearing Footage: 1,0835)

Attachments: Findings and Conditions  
Affidavit

c: Board of Supervisors, Department of Public Works (Building and Safety),  
Department of Public Works (Subdivision Mapping), Zoning Enforcement, Agua  
Dulce Town Council, Wayne Spears, Tana Lampton, Justine Turner, Romona Hall,  
Kaye Kirkwood, Park Overall

**MODIFICATION OF SPECIAL PERMIT NO. 1404-(5)  
FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION  
COUNTY OF LOS ANGELES**

**REGIONAL PLANNING COMMISSION HEARING DATE: January 22, 2005 and  
December 14, 2005**

**SYNOPSIS:**

On August 10, 2004, the Board of Supervisors instructed the Regional Planning Commission to initiate modification/revocation proceedings and conduct a public hearing with respect to Special Permit No. 1404 (Permit). The Permit was approved by the Regional Planning Commission on October 27, 1959 to authorize the expansion, operation and maintenance of a privately owned public use commercial airport with appurtenant facilities including the modification of a number of approved conditions of the previous permit. The airport is located at 33638 Agua Dulce Canyon Road, Agua Dulce, in the Soledad Zoned District. The modification/revocation proceedings were initiated due to violations associated with the operations and development of the airport resulting from complaints received by the County.

**PROCEEDINGS BEFORE THE COMMISSION:**

October 23, 2004 Public Hearing

The Regional Planning Commission scheduled a duly noticed public hearing on October 23, 2004. The operator of the airport and representatives of the Agua Dulce community requested that the public hearing be postponed to allow additional time to meet and to address concerns expressed by the local residents of the community. Consequently the October hearing was canceled and a public hearing was subsequently rescheduled for January 22, 2005, to continue the modification/revocation proceeding on the Permit.

January 22, 2005 Public Hearing

The Regional Planning Commission conducted a duly noticed public hearing at the High Desert School in Acton. All Commissioners were present. The Regional Planning Commission heard the staff report and testimony from the operator of the airport and his representative. Members and representatives of the Acton Town Council, the Agua Dulce Civic Association, the Concerned Citizens of Agua Dulce and the Federal Aviation Administration also testified regarding the revocation/modification proposal. The airport operator presented a set of proposed conditions to address concerns expressed by the residents of the community. Supporting and opposing testimony was also received from local residents, local business owners and patrons of the Airpark. Approximately 400 people attended the public hearing. After receiving testimony, the Commission discussed various issues presented at the public hearing and directed the operator of the airport and his representative to meet with local residents and community groups to discuss the proposal in an effort to reach an agreement. Consequently, the Regional Planning Commission continued the public hearing to March 16, 2005, to allow additional time

for a tour of the site and to obtain input from local residents regarding the airport operator's proposal.

#### March 5, 2005 Field Trip

The Regional Planning Commission participated in an agendized site tour of the airport on March 5, 2005. Commissioners Bellamy, Helsley, Rew and Modugno were in attendance during the visit to the subject property. County staff gave the Commissioners a tour of the airport. At the request of the Board of Supervisors, the Commission also observed flight demonstrations and heard associated noise levels involving six different aircraft at the homes of two local residents located near the airport. Representatives from the Department of Health Services were present during the demonstration to measure the noise level of various aircrafts at these locations. A representative from the County Department of Public Works Aviation Division was also present.

#### March 16, 2005 Continued Hearing

At the March 16, 2005 continued public hearing, all Commissioners were present. The Regional Planning Commission received additional verbal and written testimony from the airpark representatives, local residents, representatives of the Acton Town Council, the Agua Dulce Civic Association, the Concerned Citizens of Agua Dulce, the Agua Dulce Pilot's Association and the Overall/Brink Group. The Commission discussed the possibility of modifying or revoking the Permit as well as need to retain the public use status of the airport. The Commission determined that the modifications as proposed by the operator did not address the concerns of the Community. The Commission closed the public hearing and directed staff to prepare potential reasons for revocation of the Permit.

#### April 20, 2005 Public Meeting

On April 20, 2005 meeting, all Commissioners were present. The Regional Planning Commission considered modification and revocation of Special Permit 1404 pursuant to Part 13 of Chapter 22.56 of the Los Angeles County Code and voted for modification of the permit. The Commission finds that the alleged violations of acrobatic flying, allowing jet aircrafts at the airport, serving alcoholic beverages without permit were either unsubstantiated, not in the control of the operator, or disputable. However, the Commission also finds the confirmed violations of constructing a pool without a permit, selling membership to a recreational club, construction of an aircraft tie-down area without approval, the inconsistency of the hangar height and holding special events without permit, and the concerns expressed by local residents demonstrated the need for modification of the Permit. The Commission acknowledged that the airport is operating under a permit with antiquated conditions and that the revocation/modification proceeding has provided substantial evidence to modify the permit. The Commission voted for modification of the Permit and instructed staff to prepare conditions as such for modification of the Permit. On November 3, 2005, the Commission decided to re-open the public hearing in order to allow public testimony on the draft modified conditions of the



Permit. A public hearing was scheduled on December 14, 2005 to allow public comments on the draft modified conditions of the Permit.

#### December 14, 2005 Public Hearing

At the December 14, 2005 public hearing, all commissioners were present but Commissioners Valadez and Modugno left prior to the conclusion of the item. The Regional Planning Commission received verbal and written testimony from the airpark representatives and the operator of the airport (18 local residents and airpark patrons regarding the proposed modified conditions and airpark related issues. Approximately 150 additional people attended the hearing but did not testify. The Commission continued the public hearing to January 11, 2006 to allow additional public testimony and the airpark operator to provide clarification regarding the operation and maintenance of the facility.

#### January 11, 2006 Continued Public Hearing

At the January 11, 2006 continued public hearing, all Commissioners were present. The Regional Planning Commission received additional written and verbal comments from local residents in support of the continued operation of the airport and regarding the proposed modifications. Some residents expressed continued concerns regarding the airport's potential impacts. The airport operator and his representatives addressed issues raised during hearing and responded to questions posed by the Commission.

The airport operator indicated his willingness to impose voluntary conditions pertaining to the flight operations of the airport and requested that the Commission make certain changes to the proposed conditions. The airport operator stated that it was his intent to address to the extent possible the issues raised by the local residents. The letter to the Commissioners from counsel for the operators, Kaplan Kirsch & Rockwell LLP and Armbruster & Goldsmith, LLP, dated January 4, 2006, indicated that the permittee would agree to voluntarily impose conditions that would be enforceable by the County. The conditions include: limiting the airport use to propeller driven aircraft and rotor aircraft and prohibiting jet aircraft; limiting use to pleasure and executive type aircraft not exceeding light twin engine in weight; prohibiting acrobatic flying, parachute jumping and other dangerous flying; allowing use by emergency aircraft and aircraft operated by government agencies; and implementation and enforcement procedures.

The Commission discussed various issues presented at the public hearing including the operator's proposed self-imposed conditions and directed staff to make changes to the proposed conditions. The Commission also discussed the merits of the proposed conditions and considered potential limitations to curtail the expansion of the airport. The Commission determined that the proposed conditions would address a number of concerns raised during the public hearings and the violations. The Commission extended the hours of operation for the restaurant within the airtel and modified the condition to restrict the size of the aircraft parking area rather the number of aircraft as proposed.

There being no further testimony, the Regional Planning Commission voted (3-2) to close the public hearing, indicated its intent to approve the proposed modification to the Permit, and directed staff to prepare the final environmental documentation and findings and conditions for approval with modifications as discussed.

#### Findings

1. Pursuant to Section 22.56.1780, Subsections D and E, Title 22, of the Los Angeles County Code, the Regional Planning Commission considered revocation or modification of conditions of approval of Special Permit 1404-(5). Special Permit No. 1404 was approved by the Regional Planning Commission on October 27, 1959 to supersede and authorize the modification of a number of approved conditions of the previous permit and to allow the expansion, operation and maintenance of a privately owned public use commercial airport with appurtenant facilities located at 33638 Agua Dulce Canyon Road, Agua Dulce, in the Soledad Zoned District.
2. The subject property has access to Agua Dulce Canyon Road via an access driveway to the west and Darling Road to the south. The subject property is located approximately three-quarters of a mile south of Sierra Highway and approximately two miles westerly of the Antelope Valley Freeway (14).
3. The subject property is an irregular shaped parcel approximately 110 acres in size and located at the eastern terminus of Darling Road, on the east side of Agua Dulce Canyon Road and south of the Agua Dulce Vineyard. The topography of the site varies from flat to gently sloping mesas and steep hillsides in a southeasterly direction. An existing drainage course currently bisects the southeastern portion of the property along and south of the existing runway.
4. The subject property is currently developed with a runway, an aircraft tie-down area, twenty-eight (28) hangars in various stages of construction, a swimming pool, fuel storage and dispensing area, and a building which consists of a pilot's lounge, an office and a café. There are 62 designated vehicle parking spaces on the subject property. The subject property is comprised of three (3) parcels, assessor parcel numbers 3213-021-017, 3213-031-002 and 3213-022-026.
5. Zoning on the subject property is A-2-1 (Heavy Agricultural -one acre required area) and A-1-10,000 (Light Agricultural-10,000 square foot required area). Surrounding zoning consists of A-1-10,000 to the north and east; and A-2-1 and A-1-10,000 to the south and west.
6. Surrounding land uses consist of single-family residences and vacant properties to the north, south, east and west.

7. The subject property is designated as Airport (AP) and Non-Urban 1 (N1) in the Land Use Policy map of the Santa Clarita Valley Area Plan (SCVAP). Approximately 85 acres of the southeasterly quadrant of the subject property, encompassing the runway and appurtenant structures, are within the Airport land use classification. The remaining undeveloped area located along the northwesterly and southerly property boundary is within the Non-Urban 1 land use classification. The SCVAP does not have any development policies pertaining to the Airport land use designation. However, the SCVAP land use policy map does distinguish the airport as an existing facility. The Countywide General Plan depicts the property with a Public and Semi-Public Facilities land use designation which includes airports and other major transportation facilities.
8. The Commission initially approved Special Permit No. 1352 (SP 1352) on September 2, 1958. The permit authorized the use of the subject property for a private commercial airport. SP 1352 had a 20-plane storage capacity and a 10-year termination period.
9. On October 27, 1959, the Regional Planning Commission approved Special Permit No. 1404 to authorize modification of some of the conditions of Special Permit No. 1352 including the extension of the runway and development of additional hangars as well as a 20-room airtel with a restaurant and a swimming pool. Additional area was added to the airport as a result of the runway extension (approximately 8 acres). SP 1404 also eliminated the limitation on plane storage and the expiration of SP 1352. SP 1404 does not have an expiration date. The decision of the Commission was appealed to the Board of Supervisors by several community groups. The Board of Supervisors on May 24, 1960, denied the appeal and upheld the Commission's decision to approve the airport with minor revisions.
10. As authorized under SP 1404-(5), the applicant established a private commercial airport on the subject property. The permit authorized the airport with incidental facilities and prohibited jet aircraft. As indicated on the approved Exhibit "A" dated June 12, 1961, SP 1404 authorized 110,000 square feet of hangar space for aircraft storage, 72,000 square feet of hangar space for aircraft maintenance and 250,000 square feet of aircraft tie-down area. The permit also allows a flight school (two-planes only), an emergency landing field, aircraft repair shops (excluding engine overhaul), storage for aircraft parts and temporary airfield for aircrafts used for safety related activities such as fire fighting. The permit restricts the facility to aircraft parts to be stored within the hangars, damaged parts must be removed within 30 days; and aircraft wrecking, stunt flying and parachute jumping are prohibited.
11. There have been three (3) Revised Exhibit "A"s approved on the subject property since the approval of SP 1404 which are in conformance with the original Exhibit "A". A Revised Exhibit "A" was approved in December 13, 1987, for the construction of twenty (20) hangars along the northerly perimeter

of the runway. This exhibit depicts the location of the new hangars and all the existing improvements of the airport comprised of hangars located at the western end of the runway, a caretaker mobile home (this was never utilize), a café, two fuel pumps and 250,000 square feet of aircraft tie-down area along the northerly perimeter of the runway.

A Revised Exhibit "A" was approved on September 27, 2003 for a swimming pool, a parking area and a 600-square foot expansion to a utility building/hangar. This exhibit shows the location of the pool, utility building/hangar and parking area. The location of all existing development is also depicted. The pool was built prior to the approval of this Revised Exhibit "A" but originally shown appurtenant to the airtel on the 1961 Exhibit "A."

A Revised Exhibit "A" was approved in October 31, 2003, to authorize the construction of a 20-unit airtel and nine (9) 50'x60' hangars. This exhibit shows the location of the new hangars and airtel and all existing improvements. However, this approved Exhibit "A" did not reflect the location of the original aircraft tie-down area.

12. The Commission received a letter dated December 6, 2005 from Wayne Spears stating that, as of October 24, 2005, he and his wife Connie Spears are the new owners of the Airpark. Mr. Spears also testified at the December 11, 2006 public hearing that he is the new owner of the airport.
13. Agua Dulce is considered a rural community comprised mostly of residential development limited to one unit per two acres by the General Plan. The community has historically emphasized the importance of maintaining the rural character of the area; and has expressed concerns related to growth and associated impacts on the limited groundwater supplies in the area. Many residents of the Agua Dulce community have expressed concern regarding the operation of the airport. Residents testified that the airport has allowed non-aviation related activities and events such as fundraisers, community meetings, auto shows and film productions at the airport which lead to the intensification of use. The residents testified that these events and activities have impacts on local traffic patterns and increase noise level of the community. The residents also testified that the conditions of SP 1404 did not specifically address the appurtenant uses of the airport such as the pool, airtel and restaurant nor did they mitigate or will mitigate the impacts to the community as a result of the expansion it authorized.
14. The proprietor of the airport (Airpark) has extensively promoted the facility for film production, special events such as fundraisers, community meetings, air and auto shows. Also, fee memberships to the airport's recreational facilities were offered to the general public. The airport has significantly expanded non-airport activities, resulting in significant assertions of disruption to the community and intensification of land use of the subject property. SP 1404 did

not give the airport specific guidelines under which to operate its appurtenant uses.

15. The Department of Regional Planning Zoning Enforcement Section has investigated a series of alleged violations of County codes and regulations at the subject property and issued Notices of Violation and Final Enforcement Orders, as summarized below:

**On June 27, 2003**, a Notice of Violation was issued to the Airpark for the following violations:

- More than twenty (20) planes were stored at the subject property.
- The airport is restricted to propeller driven aircraft (it was reported a jet aircraft attempted to land at the airport).
- Construction of a pool without a permit from Building and Safety and failure to submit the required revised site plan.
- Serving alcoholic beverages without permits.
- Selling and advertising membership to a private recreational club without a conditional use permit.
- Placing banner signs on the subject property.

The Airpark operator submitted a letter dated July 18, 2003, responding to the Notice of Violation. The letter indicated that the facility is not subject to the 20-plane limitation as this restriction was part of SP 1352, that the Airpark was not utilized by non-propeller aircraft and that no jet aircraft landed at the Airpark; an application for a pool permit has been submitted; serving of alcoholic beverages was part of two fundraising events held at the Airpark; both events have Day-Use permits to serve alcohol; and the airport has discontinued selling and advertising memberships to a private recreational club. The violations established by County staff and/or admitted by the airpark operator (namely, the construction of the pool without a permit, the selling of memberships to a private recreational club and placing banner signs on the subject property) were remedied within the 30-day period provided in the Permit. The investigation revealed that the airport operator began the construction of a pool without an approved site plan and permit, thereby violating the conditions of the Permit and the County code.

**On January 8, 2004**, a Notice of Violation was issued to the Airpark regarding the following violations:

- Report of planes conducting acrobatic maneuvers and unsafe flying at the airport in violation of condition No. 7 of SP 1404.
- Violation of Temporary Use Permit 03-020 which forbids the taking-off and landing of aircraft during the Wild West Days event.
- Violation of Temporary Use Permit 03-020 which requires safety barricades for demolition derby.
- Santa Fly-In event was held December 14, 2003 without a temporary use permit.



The airport operator submitted a letter dated January 30, 2004 responding to the Notice of Violation. In the letter, the operator indicated that the Airpark did not condone, authorize or was aware of any occurrence of unsafe flying, an aircraft was allowed to land during a special event because the airport could not establish alternative arrangement with the pilot who is based at the airport; a moat was used as safety barricades during the demolition derby to separate the spectators and the track; and was advised by County staff that a Santa Fly-In event does not require a temporary use permit. The Airpark operator failed to prevent the occurrence of these violations during the special events and unable to address the issues relating to the violations to the satisfaction of County staff.

**May 20, 2004**, a Final Enforcement Order was issued to the Airpark for the following violations:

- Reports of aerial acrobatics and dangerous flying at the Airpark.
- Construction of a new "tie-down" area in the southern end of the Airpark without submitting a Revised Exhibit "A".

In a letter dated May 26, 2004, responding to the Final Enforcement Order, the operator stated that the airport is not aware of any aerial acrobatics and dangerous flying but has advised pilots to be courteous to adjacent residences. The operator also stated that he has not allowed any aircraft to tie-down on the new paved area and he will be submitting a Revised Exhibit A

Although the operator received Notice of Violations and a Final Enforcement Order, the airport initiated construction of the subject paved aircraft tie down area without an approved Revised Exhibit "A", and continued construction until the issuance of a Stop Work order by Division of Building and Safety and the Fire Department. County staff determined the location of the new "tie-down" area is not consistent with the approved site plan of the Permit and that the airport had not submitted a Revised Exhibit "A" application to authorize the use.

**June 24, 2004**, a Final Enforcement Order was issued to the Airpark for the following violations:

- Received report of grading activity at the airport without grading permit and enforcement staff confirmed unauthorized grading at the subject property.
- Heights of the new hangars are inconsistent with the approved site plan. The approved height is 17'-6" and the new hangars are actually 29'-2".

In a letter dated July 12, 2004, responding to the Final Enforcement Order, the airport operator stated the grading was associated with a special event and that he is working with the County Department of Building and Safety to obtain the necessary permit and the Regional Planning staff to revise the site plan to show the correct hangar height. The actions of the airport operator to initiate

unauthorized grading without approval and exceeding the approved height of the hangars are violations to the conditions of the approved Permit and of Section 22.56.1780, Subsections D and E, Title 22, of the Los Angeles County Code. The unpermitted grading further evidences a problem with holding special events at the airport.

**July 8, 2004**, a Notice of Violation was issued to the airport for the following violations to a Temporary Use Permit issued for an Independence Day fireworks event:

- Arrangement of event activities not consistent with the approved site plan for Temporary Use Permit No. 04-171.
- Did not comply with Fire Department safety procedures regarding fireworks show (allowing attendees of the event into restricted area).
- Did not provide adequate security staff for the event as required by the Sheriff's Department.

In a letter dated July 12, 2004 responding to the Notice of Violation, the airport operator explained that people were only allowed in the firework staging area before the launching of any fireworks and adequate safety and security personnel were present during the event as evidenced by the absent of any incidents or injuries.

**September 21, 2004**, a Second Notice of Noncompliance and Fee was issued to airport for using the unauthorized aircraft "tie-down" area for filming activities.

In a letter dated September 29, 2004, responding to the Notice of Noncompliance and Fee, the airport operator indicated that there will be no further use of the unauthorized "tie-down" area. The use of the unauthorized "tie-down" area is a violation to the conditions of approval as its location is inconsistent with the approved site plan of the Permit.

**March 11, 2005**, a Notice of Violation was issued to the airport by Building and Safety for filming at the airport without obtaining a film permit.

At the March 16, 2005, continued public hearing the airport representative indicated that the March 11<sup>th</sup> filming activity was only to test camera equipments only would not be consider film production, therefore, a film permit is not required and the citation was unwarranted.

16. Hearing notices were mailed to the property owners within a 1,000-foot radius of the subject property for the January 22, 2005 and December 12, 2005 public hearings. Case materials were mailed to Canyon Country Jo Anne Darcy County Library, advertisements were published in La Opinion and Acton Agua Dulce Weekly News and public hearing notices were posted at the project site at least 30 days prior to the scheduled hearings.

17. During the public hearing proceedings, approximately four hundred (400) letters, signed petitions and e-mails were submitted along with supporting documents in opposition to the operation of the airport and regarding the modification to the Permit. The letters are from local residents and community groups who express concerns that the airport has not complied with the conditions of the Permit. The letters further state that there should not be any new construction and additional airport related activities authorized on the site due to potential adverse impacts such as excessive noise, decreased property values, water usage, impacts of increased aircraft and automobile traffic generated from the subject property. Numerous verbal and written complaints received by Zoning Enforcement involved flight operations, special events and filming activities held on the property and construction without proper County approval.
18. Approximately 3,700 written correspondence and a signed petition from local residents, airport patrons, and film and aeronautic organizations in support of the airport were received. This correspondence states that the airport is an asset to the Community and it is critical to the aviation infrastructure. Many local residents expressed support in the continued operation of the airport.
19. At its April 20, 2005 meeting, the Commission reviewed and discussed the modification or revocation of the Permit pursuant to Part 13 of Chapter 22.56.1780, Subsections D and E of the Los Angeles County Code. The Commission found that there is insufficient cause to revoke the Permit. During the course of hearings, the Commission obtained information that a number of concerns expressed by residents of the community such as air traffic volume and noise levels are associated with flight operations of an airport, which are pre-empted by federal regulations and thus beyond the control of enforcement by the County.
20. Based on the on the hearing record and public testimony, the Commission concluded the airport has violated the conditions of the Permit and County regulations. However, the Commission finds that the alleged violations of unsafe flying, allowing jet aircraft to land at the airport, storing more than 20 planes at the airport and serving alcoholic beverages without a permit were unsubstantiated and disputable. The Commission also finds the confirmed violations do not rise to a level that would ensue revocation of the Permit. The Commission acknowledged that the airport is operating under a permit with antiquated conditions and that the revocation/modification proceeding has provided substantial evidence to support the need to modify the permit. The confirmed violations show that the operator did not follow County code and procedures and compliance with approved conditions of the Permit. As indicated in the violation records, the construction of a swimming pool, holding special events without permit, selling membership to a recreational club without an approved Conditional Use Permit, posting banner signs at the subject property, the development of the unauthorized tie-down area without an

approved site plan or grading review and the inconsistency of the hangar height are violations to the terms of approval of the Permit. These violations would support grounds for modification of the Permit as prescribed in Section 22.56.1780.

21. The Commission also considered and discussed comments from the California Department of Transportation and The Federal Aviation Administration regarding airport operations. The Commission finds that the conditions directly relating to the flight operations of the airport which would be in conflict with federal regulations cannot be imposed. Conditions such as restriction on the types of aircraft, operation of aircraft, development of runway facility and hours of flight operations are preempted by Federal law. The Commission finds that the airport operator may impose such restrictions and recognizes that the airport operator volunteered to do so during these proceedings.
22. The Commission finds that, although the modification cannot include federally pre-empted conditions that directly impact the flight operations of the airport, as part of the modification proceeding, it is within the Commission's discretion to modify the number and size of the hangars and the size of aircraft tie-down area. The Commission can also determine the appropriate number of aircraft to be stored in each hangar and reduce or eliminate airport auxiliary uses and structures. The Commission finds the modification can substantially address many of the concerns of some local residents and community groups. The modified conditions are a viable option to regulate the airport and to ensure the health and safety of local residents in the Community to the extent possible.
23. Additional conditions to regulate the occurrence of temporary events and filming activities are included. Restrictions on the hours of operation for appurtenant airport uses such as the restaurant and maintenance facility have been established. An expiration of the Permit and biannual inspections are required. To address violations relating to the unauthorized "tie-down" area, the location and size of an area to accommodate aircraft parking will be identified. The modification also eliminates conditions of the previous permit authorizing the development of a flight school and a caretaker residence. The elimination the flight school was part of the prior operator's attempt to address the concerns of the community. In a proposal presented to the Commission during the January 11, 2005 public hearing, the operator proposed to operate "ground" flight school only. In a later version presented to the community, the flight school was eliminated to address the concerns of local residents. The modified conditions now authorize only the civil air patrol, but no private flight schools. The airport operator is required to submit an updated site plan depicting the location of all the approved development. Conditions regarding community input and notification of special events are also imposed.

24. In addition to the modified conditions, the airport operator also volunteered and agreed to impose the following conditions regarding the operation of the airport as part of the modification:
- Restrict the airport to propeller driven light twin-motor aircraft only
  - No acrobatic flying
  - Restriction to light twin-engine aircraft; heavier aircraft not to exceed 15% of annual flight ops and no flight ops for aircraft over 30,000 lbs.
  - Allow emergency landing field and staging area
  - Allow aircraft owned and operate by public agencies to use the airport
  - Prohibit aeronautical or charter services
  - Monetary penalties
25. The Commission finds that the operation of the subject airport as currently operating has been have been a regular source of disturbance and annoyance to neighboring residents. The level of disturbance has resulted in a nuisance to the neighbors and it is clear that the justification and basis for which the Permit was originally approved did not contemplate such a level of activities or such scope of development related to typical aeronautical use of an airport. Modification of the Permit in the manner herein prescribed, imposing additional controls on filming activities, special events and appurtenant uses at the subject property would be appropriate to control the level of intensity from the land use standpoint and would not impede the existing operation of the airport otherwise regulated by Federal law.
26. Based on documentary evidence, including, but not limited to, inspections, Notices of Violation, Final Enforcement Orders, Notices of Noncompliance, and public testimony, the Commission finds that the Permit will require additional conditions to preclude further violations. The airport operator has violated conditions of Special Permit 1404-(5) and County procedures and regulations in the development and operation of the facility. In addition, the unauthorized activities at the Airpark have been contrary to the terms and conditions of the grant, are detrimental to the public health and safety and also constitute a nuisance. The Commission finds, pursuant to Section 22.56.1780, Subsections D and E, that the violations and unauthorized activities at the airport provide the necessary prerequisites to modify the Permit. The unauthorized activities at the Airpark include, but are not limited to:
- The grading and paving of the unauthorized tie-down area without an approved site plan or grading review has posed a potential threat to the health and safety of the surrounding residents and a nuisance to the Agua Dulce community. The unauthorized tie-down area could disturb existing drainage patterns and impact water quality as it is adjacent to a drainage course.
  - The Airpark extensively promoted the facility for film production, special events such as fundraisers, community meetings, air and auto



shows. Also, fee memberships to the airport's recreational facilities were offered to the general public. These events, such as selling memberships to recreational facilities at the airport, conducting a Business Expo and a Santa Fly-In were held without an approved Temporary Use Permit and have traffic impacts and intensify the land use.

- The construction of the pool, the development and grading of an aircraft tie-down area and exceeding the approved height of the hangars without prior authorization are violations of Special Permit 1404-(5) and demonstrate that additional safeguards are needed to ensure compliance.

27. This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). The project is within a class of projects which have been determined not to have a significant effect on the environment that it meets the criteria set forth in Section 15301 of the State CEQA Guidelines (14 California Code of Regulations, Chapter 3) and Class 21 (CEQA Guidelines Section 15321(a) - enforcement action by regulatory agencies) of the environmental document reporting procedures and guidelines of the County of Los Angeles. These proceedings under Section 22.56.1780 constitute enforcement action, as do the Notices of Violation and other County actions to enforce the Permit that led to the initiation of this revocation/modification proceeding.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That permittee of Special Permit No. 1404-(5) is violating or has violated conditions of such permit, and that the use for which the permit was granted is being, or recently has been, exercised contrary to the terms or conditions of such approval or in violation of any statute, ordinance, law, or regulations; and
- B. That the use for which the approval was granted is so exercised as to be detrimental to the public health or safety, or so as to be a nuisance.

AND, THEREFORE, the information submitted by the applicant and presented at the hearing substantiates the required ground for modification of Special Permit No. 1404-(5) as set forth in Section 22.56.1780, Subsections D and E, Title 22, of the Los Angeles County Code (Zoning Ordinance).

REGIONAL PLANNING COMMISSION ACTION:

1. In view of the findings of fact and conclusions presented above, Special Permit No. 1404 is MODIFIED as provided in the attached conditions.

VOTE: 3-2-0-0

Concurring: Valadez, Bellamy, Helsley

Dissenting: Modugno, Rew

Abstaining: None

Absent: None

Action Date: March 8, 2006

FM:LH:SZD

**SPECIAL PERMIT NO. 1404-(5)  
MODIFIED CONDITIONS**

**PAGE 1 OF 13**

1. This grant allows the use of the subject property for a private, public use commercial airport with appurtenant uses and buildings as depicted on the approved Exhibit "A", pursuant to Condition 20, and is subject to all of the following conditions. This grant shall supersede all previous grants and conditions for the subject property.
2. Unless otherwise apparent from the context, the term "permittee" shall include the operator and any other person, corporation, or other entity making use of this grant.
3. The permittee, and the owner of the subject property if other than the permittee, shall file at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to comply with, all of the conditions of this grant and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 9.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
  - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

**SPECIAL PERMIT NO. 1404-(5)  
MODIFIED CONDITIONS**

**PAGE 2 OF 13**

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Section 2.170.010 of the Los Angeles County Code.

6. This modification to Special Permit No. 1404 shall become effective 15 days after the permittee's receipt of notice of the Regional Planning Commission's approval of this modification unless an appeal is filed with or in the event of a call for review by the Board of Supervisors within this time period.
7. Within 30 days of the effective date of this grant, the terms and conditions of the grant shall be recorded in the office of the County Recorder by the permittee. In addition, upon any transfer or lease of the property during the term of this grant, the permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee, as applicable, of the subject property.
8. This grant shall terminate on **March 8, 2026**. Upon written request made by the permittee not less than six (6) months prior to the termination date, the Director of Planning shall extend the term of this permit for ten (10) years to March 8, 2036, if the use is found to be in substantial compliance with the conditions of approval and has been conducted in compliance with applicable laws and regulations; and the permittee has exercised utmost diligence to resolve any Notice of Violation throughout the term of the permit.

Upon the termination of this grant, the use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six months prior to the termination date of this grant, whether or not any modification of the use is requested at that time.

9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Within 30 days of the effective date of this grant, the permittee shall deposit with the County of Los Angeles the sum of \$6,000.00. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the site plan on file. The fund provides for 40 semiannual inspections. The applicant shall deposit additional funds

**SPECIAL PERMIT NO. 1404-(5)  
MODIFIED CONDITIONS**

**PAGE 3 OF 13**

to provide 20 semiannual inspections, if this grant is extended pursuant to Condition No. 8. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible for and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time payment is due (currently \$150.00 per inspection).

10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a Hearing Officer may, after conducting a public hearing in accordance with Section 22.56.1780 of the County Code, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance. The permittee shall pay or reimburse the County for all necessary costs associated with such hearing.
11. It is hereby declared to be the intent that if any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
12. It is hereby declared and made a condition of this permit that if any condition hereof is violated in any material way or if any other law, statute or ordinance is violated in any material way, the permit shall be suspended and the privileges granted hereunder shall lapse in accordance with County procedures; provided that the permittee has been given written notice to cease such violation and has failed for a period of 30 days to do so.
13. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what additional facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said bureau.
14. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.



**SPECIAL PERMIT NO. 1404-(5)  
MODIFIED CONDITIONS**

**PAGE 4 OF 13**

15. The subject property shall be developed and maintained in compliance with the requirements of the Los Angeles County Department of Health Services. Adequate water and sewage facilities shall be provided to the satisfaction of said department.
16. All project grading activities and drainage shall comply with the requirements of the Department of Public Works.
17. Prior to the commencement of any construction activity permitted by this grant, if required, the permittee shall submit a grading plan and drainage concept to Department of Public Works for their review and approval.
18. All structures shall comply with the applicable requirements of the Divisions of Aviation and Building and Safety of the Department of Public Works and the recommendations of the Division of Aeronautics of the California Department of Transportation, and the Federal Aviation Administration.
19. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization. In the event such extraneous marking occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such marking shall be of a color that matched, as closely as possible, the color of the adjacent surfaces.
20. Within sixty (60) days of the effective date of this modification, the permittee shall submit to the Director for review and approval three (3) copies of a detailed revised site plan (Exhibit "A"), that depict all project modifications required by these conditions of approval, including the following: 1) provide a legal description of the Airport boundaries prepared by a licensed surveyor or civil engineer, 2) delineate the legal boundaries and all existing improvements, and 3) the use and dimensions (where applicable) of all structures and improvements to be maintained and/or constructed on the subject property pursuant to this grant. The subject property shall be developed and maintained in substantial compliance with the approved Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit three (3) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner.
21. Within sixty (60) days of the effective date of the grant, the permittee shall submit to the Director for review and approval three (3) copies of a landscape plan, which may be incorporated into the Exhibit "A" described above. The landscape plan shall show

the size, type, and location of all plants, trees, and watering facilities. The permittee shall maintain all landscaping in a neat, clean and healthy condition, including proper pruning, weeding, litter removal, fertilizing and replacement of plants when necessary. Watering facilities shall consist of a permanent water-efficient irrigation system, such as "bubblers" or drip irrigation, for irrigation of all landscaped areas except where there is turf or other ground cover.

22. Within sixty (60) days of the approval date of this grant, the permittee shall submit to the Director for review and approval three (3) copies of a lighting plan, which may be incorporated into the Exhibit "A" described above. The lighting plan shall show the locations, types, and heights of all proposed pole and wall mounted lighting. All new exterior lighting shall consist of high energy efficient lighting and shall be hooded and directed away from neighboring residences to prevent direct illumination and glare. All exterior lighting shall be turned off within thirty (30) minutes after conclusion of activities, with the exception of low-level sensor-activated security lighting along all pedestrian walkways leading to and from the parking lot.
23. Within sixty (60) days of the approval date of this grant, the permittee shall submit to the Director for review and approval three (3) copies of sign plans depicting all existing and proposed signs on the subject property.
24. Within sixty (60) days of the effective date of this grant, the permittee shall also submit to the Director of Planning three (3) copies of: a "Film Crew Parking Exhibit," depicting locations on the subject property designated for parking of film crews' personal vehicles during filming activities on the property.
25. Project construction activity, including engine warm-up, shall be limited to those hours between 7:00 a.m. and 6:00 p.m. Monday through Friday, and 8:00 a.m. and 5:00 p.m. Saturday. No construction activities shall occur at the subject property on Sunday or county recognized legal holidays. All stationary construction noise sources shall be sheltered or enclosed to minimize adverse effects on nearby offices and residences. Generators and pneumatic compressors shall be noise protected in a manner that will minimize noise effects to adjacent residences. Parking of construction worker vehicles shall be on-site and restricted to areas buffered from residences located to the south and east of the subject property.
26. The permittee shall comply with all applicable regulations of the Aviation Division of Los Angeles County, the California Department of Transportation Division of Aeronautics and the Federal Aviation Administration.

**SPECIAL PERMIT NO. 1404-(5)  
MODIFIED CONDITIONS**

**PAGE 6 OF 13**

27. The permittee shall install and maintain all obstruction markers, wind cones, traffic directional indicators and other appurtenant structures and safety equipment as may be required by the Federal Aviation Administration and the California Department of Transportation Division of Aeronautics and submit plans demonstrating such compliance to the Los Angeles County Department of Public Works Division of Aviation.
28. The permittee shall remove the paving located between the runway and the southerly property boundary and shall inform the Department of Public Works and Department of Regional Planning when such activity will commence. If required by the Department of Public Works, the permittee shall submit a drainage concept or plan to be reviewed and approved by said department for the issuance of necessary permits for this area, and implement appropriate remedial measures necessary to restore the drainage pattern to the satisfaction of said Department.
29. In addition to strict compliance with the South Coast Air Quality Management District's Rule 403 – Fugitive Dust, all material graded shall be sufficiently watered to prevent excessive amounts of dust during the construction phase. Watering shall occur at least twice daily with complete coverage, preferably in the late morning and after work is completed for the day. All clearing, grading, earth moving or excavation activities shall cease during periods of high winds (i.e. greater than 20 mph averaged over one hour) to prevent excessive amounts of dust. Any materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.
30. Within 30 days of the effective date of this grant, the permittee shall make a written request to the Agua Dulce Town Council, requesting said Council, if it deems it appropriate, to agendize the airport as a discussion item for purposes of providing a community forum for discussion of airport issues. The permittee shall make such written request to the Town Council quarterly during the first two years following the effective date of this grant; thereafter, for the remaining term of this grant, permittee shall make such written request to the Town Council on a biannual basis (i.e., two times per year). Copies of all written requests shall be provided to the Department of Regional Planning for inclusion in the case file. In the event the Town Council agendizes the matter, the permittee (or his/her designee) and a representative from the Department of Regional Planning Enforcement Section shall be present at each such meeting. The permittee shall provide funding for the County staff to attend said meetings. An initial deposit of \$1,000, from which actual costs shall be billed and deducted for the purpose of cost recovery. The permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required to attend said meetings.

31. The permittee shall maintain electronic mail (email), facsimile and telephone services for the purpose of receiving complaints from persons in the Agua Dulce area regarding the operation of the airport. The contact information shall be posted on a website to be maintained by the permittee. The permittee, or his/her qualified designee, shall respond with diligence in writing to any person(s) having submitted a complaint in writing (i.e., via email, facsimile or letter) regarding the operation of the airport. The permittee shall maintain a log of telephone complaints received at the airport, providing the name of the person lodging the complaint (if provided by caller), a brief description of the nature of the complaint and, if applicable, corrective measures taken by the permittee to rectify the complaint. The permittee shall submit said telephone complaint log, and any written complaints received and permittee's written responses thereto, on a quarterly basis to the Department of Regional Planning Enforcement Section for inclusion in the case file.
32. The permittee is authorized to conduct no more than six (6) special events per year on the subject property. The activities of each special event are subject to the approval of the Director in accordance with Part 14 of Chapter 22.56 of the Zoning Code. The Temporary Use Permit issued for each special event shall be subject to the following restrictions:
  - a. The permittee shall file all Temporary Use Permit applications at the Department at least sixty (60) days prior to the proposed scheduled date of such special event;
  - b. The permittee shall provide adequate on-site parking for special events at the facility, either on-site or on adjoining property owned by the permittee. Permittee shall submit an exhibit with each Temporary Use Permit application filed at the Department depicting where such special event parking will be located for any special event conducted at the subject property;
  - c. The permittee is expressly prohibited from conducting any tractor pulls, hot air balloon meets, motorcycle events, demolition derby events or other events featuring motorized vehicles (excluding the static display of automobiles ) on the subject property; and
  - d. The permittee shall submit evidence in writing that notice has been sent to the Agua Dulce Town Council regarding such special event.
33. No filming activities for which issuance of a Film Permit is required from the FilmL.A. Inc., or County designated responsible entity, shall occur on the subject property without prior issuance of such valid Film Permit. The Permittee shall provide a copy of this grant to FilmL.A. and ensure that they are aware of its conditions.

34. Filming conducted indoors or outdoors on the grounds of the subject property after 10:00 p.m. and before 6:00 a.m. is strictly prohibited.
35. All lighting facilities utilized by filming crews during outdoor night filming shall be shielded from neighboring residences.
36. Filming on the subject property shall not occur for more than 30 days or 30 permits issued per calendar year, whichever is less. For the purposes of this grant, "filming" means the actual days during which filming occurs on the property as identified in a valid FilmL.A., Inc.-issued film permit, per Condition # 33, and does not include days spent by film crews during film production assembly ("prep days") and disassembly ("strike days"). The permittee shall keep a film log indicating all days on which filming occurs on the subject property and noting the number of film permits issued in relation to the subject property. Said film log shall be made available upon request for inspection by the staff of the Department of Regional Planning.
37. The permittee shall provide a minimum 24-hour advanced electronic (email) notice regarding all filming conducted at the subject property to all adjoining residents of the airport and all local residents who request such notification in writing. The filming notice shall be posted on a website to be maintained by the permittee not less than 24-hours prior to the scheduled filming. The permittee shall provide a copy of the notification list to the management of FilmL.A., Inc., the 5<sup>th</sup> Supervisorial District office, the Department of Regional Planning (for inclusion in the case file) and the Agua Dulce Town Council.
38. This grant authorizes the construction and development of the following development on the subject property as depicted in accordance with the approved Exhibit "A" as prescribed in Condition No. 20:
  - a. One aircraft runway (approximately 4,600 feet in length);
  - b. Fifty-five (55) personal aircraft storage hangars (the total floor area of which not to exceed 110,000 square feet of hangar space and each hangar not to exceed 3,000 square feet);
  - c. Five (5) service/community aircraft storage hangars, four (4) of which shall not exceed 9,000 square feet each and one (1) shall not exceed 18,000 square feet, for a combined total of 54,000 square feet of hangar space;
  - d. One (1) public maintenance hangar not to exceed 18,000 square feet;



- e. A 250,000 square feet exterior tie down area located on the northerly side of the runway to be utilized solely for the parking of aircraft;
  - f. Aircraft fueling facilities and an accessory 600 square feet fueling office/fuel maintenance shop building;
  - g. A 3,150-square foot airport manager's office/pilots' lounge structure;
  - h. 20-room airtel with an appurtenant restaurant (4,800 square feet) and a swimming pool ;
  - i. A 1,500-square foot airport manager's residence;
  - j. One (1) 2,400 square foot utility building; and
  - k. A helicopter helipad/landing zone.
39. The operation and maintenance of the airport shall be further subject to all of the following restrictions:
- a. The permittee shall maintain any and all logs of all flight operations conducted at the airport as required by federal and/or state law. The permittee shall, on a monthly basis for the first year after the effective date of this modification and thereafter, on a quarterly basis, transmit a copy of any such airport flight operations logs to the Department of Regional Planning. The permittee shall also present said log to the Departmental of Regional Planning Zoning Enforcement staff upon request;
  - b. The permittee shall not construct any new hangars determined by California Department of Transportation Division of Aeronautics or the Federal Aviation Administration to constitute a hazard to air navigation, pursuant to 14 CFR Part 77, as it may be amended;
  - c. The runway shall be paved and maintained in accordance to the guidelines of the Federal Aviation Administration and the California Department of Transportation Division of Aeronautics;
  - d. A minimum of 62 on-site parking spaces shall be provided and continuously maintained. Spaces reserved for persons with disabilities, shall be provided consistent with County Code;

- e. All designated parking areas shall be paved in accordance with Section 22.56.1060 of the County Code;
- f. The required parking spaces shall be continuously available for vehicular parking only and shall not be used for storage, automobile or truck repair, or any other use not authorized by this grant;
- g. Vehicular access within the subject property shall be provided to the satisfaction of the Los Angeles County Fire Department;
- h. The permittee shall post signs indicating the maximum vehicle speed limit of 5 miles per hour throughout the parking area and driveways;
- i. All outdoor trash containers shall be covered and all trash enclosure areas shall be screened from public and private view corridors by landscaping, berms, compatible structures or walls, or a combination of these;
- j. All parking lot and other exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off within thirty (30) minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot and hangars ;
- k. Except for special events with authorization of a temporary alcoholic beverage permit issued by the State of California Department of Alcoholic Beverage Control, the sale of alcoholic beverages at the airport is prohibited unless a conditional use permit is approved pursuant to Part 1 of Chapter 22.56.195 of the County Code;
- l. Operating hours for the restaurant are restricted to the hours between 7:00 a.m. to 10:00 p.m. Monday through Sunday;
- m. Operating hours for the aircraft maintenance facility are restricted to the hours between 9:00 a.m. and 7:00 p.m., Monday through Saturday; said aircraft service facility shall be closed on Sundays. The maintenance facility at the airport shall not provide major engine overhaul or testing of engines removed from aircraft;
- n. All spraying, painting and coating operations at the aircraft maintenance facility shall be subject to the rules and regulation of the South Coast Air Quality Management District (AQMD). All necessary permits shall be retained on the

premise at all times and be immediately produced upon the request of the Department of Regional Planning;

- o. This grant only provides for the maintenance of flyable, certified, operational aircraft and does not allow the dismantling, salvaging or outside storage of wrecked aircraft. Repairs of aircraft located on the subject property are only authorized to occur within hangar structures; Aircrafts under repair or aircraft parts being utilized for the repair of an aircraft shall be stored within an enclosed hangar structure. The permittee and all lessees shall be permitted to conduct aircraft "hobbyist" activities, including the washing, repair, and performance of routine maintenance required for the lessee's or permittee's aircraft on the airport property, provided there is no attempt to perform such services for others for profit, and further provided that such right is conditioned upon compliance with applicable law. At no time shall any lessee hangar be utilized for any commercial, industrial, manufacturing, residential or other use not typically associated with the maintenance and use of personal aircraft storage, whether for-profit or without charge. Spray coating operations using pumps and compressors are strictly prohibited within the storage hangars;
  - p. Floors of hangars, terminal apron and ramp areas, and areas used in aircraft operation shall be clean and clear of oil, grease and other materials or stains and otherwise in a clean and orderly manner. Permittee shall comply with all applicable National Pollutant Discharge Elimination System (NPDES) regulations affecting treatment of on-site drainage and disposal of hazardous materials (e.g., aircraft oil and fuel), as may be enforced by the County Department of Public Works.
  - q. Outside storage of construction and building materials and inoperable vehicles and aircrafts, is prohibited on the property. All aircraft parts and aircrafts undergoing repair or service shall be stored within an enclosed hanger;
  - r. Operating a flight school at the airport is strictly prohibited with the exception of programs and classes related to the Civil Air Patrol; and
  - s. The permittee shall maintain a current contact name, address, and phone number with the Department of Regional Planning at all times.
40. As volunteered and agreed to by the permittee, the maintenance and operation of the airport shall be subject to the following limitations:

- a. The airport shall be used by propeller-driven aircraft and rotorcraft and shall not be used by jet aircraft;
  - b. The airport shall be used by pleasure and executive-type aircraft not exceeding light twin engine in weight (for purpose of this condition, "light-twin engine in weight" means aircraft with a maximum certified gross take-off weight of 12,500 pounds or less) and by heavier aircraft types not exceeding a maximum certified take-off weight of 30,000 pounds. Aircraft with a certified gross take-off weight between 12,500 pounds and 30,000 pounds shall not comprise more than fifteen percent (15%) of the annual takeoffs and landings at the airport. Aircraft with a maximum certified gross take-off weight of 30,000 pounds or greater shall not use the airport at any time;
  - c. The airport shall not be used by aircraft intending to conduct or have conducted acrobatics, parachute jumping or any form of careless or reckless flying at the airport, as those terms are defined in 14 CFR §§ 91.303, 91.307 and 91.13, as each may be amended;
  - d. The airport shall be available for use in emergencies notwithstanding any other operating limitation. In addition to operational emergencies, emergencies include, but are not limited to, MEDIVAC, flight-for-life and similar medical operations; and
  - e. The airport shall be available for use of aircraft owned or operated by a local, state or federal government agency, notwithstanding any other operating limitation.
41. As volunteered and agreed to by the permittee, the permittee shall implement and enforce the limitations enumerated in Condition No. 40 herein the following manner:
- a. The permittee shall publish these limitations in a form readily accessible to pilots and other individuals entering onto the subject property;
  - b. The permittee, upon actual knowledge thereof, will admonish any person using the subject property in violation of these limitations to promptly comply with the limitations, including, for example, by requesting promptly departing the airport and not returning, if doing so would be a violation of these limitations;
  - c. The permittee shall not knowingly provide aeronautical services to any aircraft owner or operator using the subject property in a manner inconsistent with these limitations. Services include aircraft fuel, service, repair, or any other aeronautical services offered directly by at the airport and further include temporary storage of aircraft at a tie-down, hangar or other location on the subject property;

- d. The permittee shall not enter into a lease or other agreement to provide long-term aircraft storage on the subject property that is inconsistent with these limitations; and
  - e. The permittee shall include, and will use all reasonable efforts to enforce, comparable requirements and prohibitions in any lease or other agreement with an aeronautical or charter service provider, provided however, that any violation of such lease or other agreement shall not constitute a violation of this permit.
42. As volunteered and agreed to by the permittee, in addition to the remedies available to the County pursuant to Condition No. 10 herein, the permittee commits to the County to implement and enforce the limitations enumerated in Condition No. 40 herein as provided in Condition No. 41 of this grant. The permittee shall pay the Department of Regional Planning \$2,500 if the Director of Planning, upon investigation, reasonably determines based on substantial evidence that the Permittee has failed to take any one of the actions identified in Condition No. 41 of this grant and such failure directly results in a use of the subject property in violation of a limitation identified in Condition No. 40 of this grant.
43. As volunteered and agreed to by the permittee, in no event shall the operation of an aircraft to, from or at the airport in a manner inconsistent with the limitations in Condition No. 40 herein, standing alone, trigger the penalties prescribed in Condition No. 42 of this grant. The penalties prescribed in Condition No. 42 herein shall be imposed only for the permittee's failure to take an action identified in Condition No. 41 herein, resulting directly in a use of the subject property in violation of a limitation identified in Condition No. 40 of this grant.



Los Angeles County Department of Regional Planning  
320 West Temple Street, Los Angeles, California 90012  
Telephone (213) 974-6443

**PROJECT No. SPECIAL USE PERMIT NO. 1404-(5)**  
**MODIFICATION OF PERMIT**

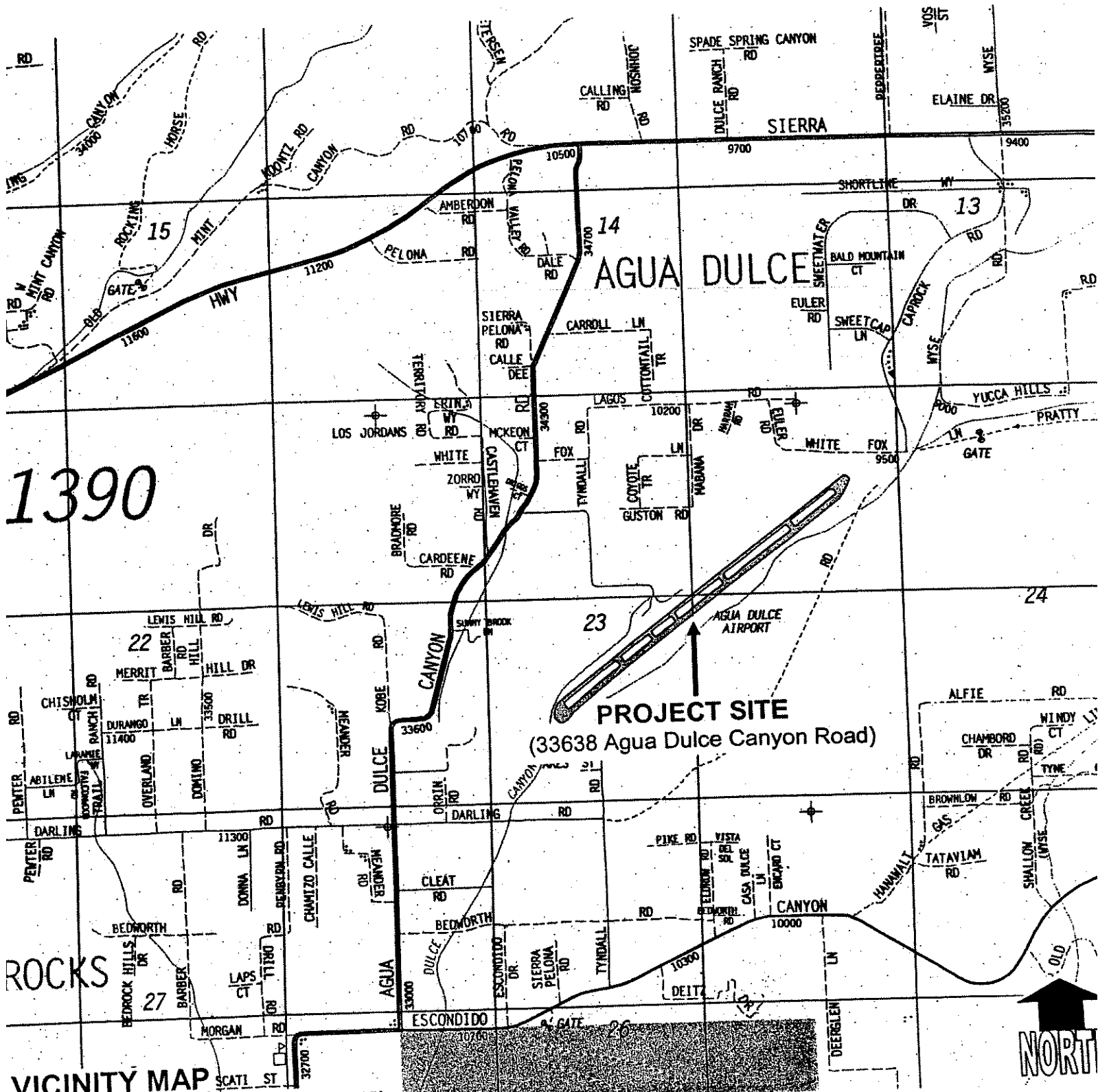
RPC CONSENT DATE	CONTINUE TO
AGENDA ITEM (N/A)	
PUBLIC HEARING DATE December 14, 2005	

<b>APPLICANT</b> Los Angeles County Regional Planning Commission		<b>OWNER</b> Agua Dulce Airpark		<b>REPRESENTATIVE</b> Armbruster and Goldsmith, LLP	
<b>REQUEST</b> To consider modification of conditions of Special Permit No. 1404-(5).					
<b>LOCATION/ADDRESS</b> 33638 Agua Dulce Canyon Road  <b>ACCESS</b> Agua Dulce Canyon Road			<b>ZONED DISTRICT</b> Soledad		
			<b>COMMUNITY</b> Agua Dulce		
			<b>EXISTING ZONING</b> A-2-1 (Heavy Agricultural-2 acres required area) and A-1-10,000 (Light Agricultural-10,000 sq. ft. minimum area)		
<b>SIZE</b> 110 acres	<b>EXISTING LAND USE</b> airport with appurtenant uses and structures		<b>SHAPE</b> Irregular		<b>TOPOGRAPHY</b> level to sloping
<b>SURROUNDING LAND USES &amp; ZONING</b> North: Single-family residences and vacant properties/A-1-10,000 (Light Agricultural-10,000 sq. ft. minimum area)  South: Single-family residences and vacant properties/A-1-10,000 and A-2-1			East: Single-family residences and vacant properties /A-1-10,000		
			West: Single-family residences and vacant properties/A-1-10,000 and A-2-1		
<b>GENERAL PLAN</b>		<b>DESIGNATION</b>		<b>MAXIMUM DENSITY</b>	<b>CONSISTENCY</b>
Countywide		P (public and semi-public facilities)		_____	_____
Santa Clarita Valley Area Plan		AP (Airport) and N1 )Non-Urban 1)		N/A	See staff analysis
<b>ENVIRONMENTAL STATUS</b> Categorical Exemption pursuant to Class 21 for revocation or enforcement action of a permit.					
<b>DESCRIPTION OF SITE PLAN</b> The applicant's latest approved Revised Exhibit "A", dated October 31, 2003, depicts the subject property developed with an airport comprises of a runway, an aircraft tiedown area, aircraft storage hangers, a pilot's lounge with an office and a café, a swimming pool, a fuel pump and a proposed 20-room motel. 62 parking spaces are depicted (60 standard, 2 handicapped). The subject property is located southerly of Agua Dulce Canyon Road and the northerly terminus of Darling Road. Access to the subject property is via a driveway from Agua Dulce Canyon Road.					
<b>KEY ISSUES</b> <ul style="list-style-type: none"><li>Compliance with conditions of approval of Special Permit Case No. 1404-(5).</li><li>Modification procedures in compliance with Part 13 of Section 22.56 of the County Code.</li></ul> <p style="text-align: right;">(If more space is required, use opposite side)</p>					

**TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS**

<b>STAFF CONTACT PERSON</b>					
RPC HEARING DATE(S)		RPC ACTION DATE		RPC RECOMMENDATION	
MEMBERS VOTING AYE		MEMBERS VOTING NO		MEMBERS ABSTAINING	MEMBERS ABSENT
<b>STAFF RECOMMENDATION (PRIOR TO HEARING)</b>					
SPEAKERS*		PETITIONS		LETTERS	
(O)	(F)	(O)	(F)	(O)	(F)

\*(O) = Opponents (F) = In Favor



1390

ROCKS

VICINITY MAP  
SPECIAL USE PERMIT NO. 1404-(5)





Los Angeles County  
Department of Regional Planning


*Planning for the Challenges Ahead*



James E. Hartl AICP  
Director of Planning

December 1, 2005

TO: Wayne Rew, Chair  
Pat Modugno, Vice Chair  
Esther L. Valadez, Commissioner  
Leslie G. Bellamy, Commissioner  
Harold V. Helsley, Commissioner

FROM: Samuel Dea   
Acting Section Head  
Zoning Permits I Section

**SUBJECT: SPECIAL PERMIT NO. 1404-(5)**  
**December 14, 2005 Regional Planning Commission Meeting**

Special Permit No.1404 (Permit) was approved by the Regional Planning Commission on October 27, 1959 to supersede and authorize the modification of a number of approved conditions of the previous permit and to allow the expansion, operation and maintenance of a private commercial airport (Airpark) with appurtenant facilities located at 33638 Agua Dulce Canyon Road, Agua Dulce. This special use permit has no expiration date.

The Permit allows the extension of the runway and development of additional hangars and other accessory structures and uses of the Airpark. The decision of the Commission was appealed to the County of Los Angeles Board of Supervisors by several community groups. The Board of Supervisors on May 24, 1960, denied the appeal and upheld the Commission's decision. The Permit was approved without an expiration date and limitation on plane storage. The Permit authorized the following developments:

- A 5,000-foot long runway
- An aircraft tie-down area (approximately 250,000 square feet)
- Fifty-five (55) 30'x40' or 40'x50' storage hangars
- Four (4) 90'x100' service hangars
- Two (2) 120'x150' maintenance hangars
- A 2,400-square foot building for a flight school
- A 2,400-square foot utility building
- A 3,150-square foot lounge and café
- A 1,500-square foot manager's house
- A fuel storage area with a 600-square foot office and shop
- One(1) caretaker trailer and a water pump
- One (1) 20-unit airtel with a pool, a restaurant and a parking area



On August 10, 2004, the Board of Supervisors instructed the Regional Planning Commission to initiate modification/revocation proceedings on Special Permit No. 1404-(5) pursuant to Section 22.56.1785 of the County code. Accordingly, the Regional Planning Commission held a public hearing on October 23, 2004. The operator of the airport and representatives of the Agua Dulce community requested that the public hearing be postponed to allow additional time to meet and to address concerns expressed by the local residents of the community. Subsequently, a public hearing was rescheduled for January 22, 2005, to continue proceedings on the Permit.

**January 22, 2005 Public Hearing**

On January 22, 2005, the Regional Planning Commission conducted a public hearing at the High Desert School in Acton. The Regional Planning Commission heard the staff report and testimony from the operator of the Airpark and his representative. The Airpark representative presented a proposal to address the concerns of the community. Members and representatives of the Acton Town Council, the Agua Dulce Civic Association, the Concerned Citizens of Agua Dulce and the Federal Aviation Administration also testified regarding the revocation/modification proposal. Supporting and opposing testimony were also received from local residents, local business owners and patrons of the Airpark. Approximately 400 people attended the public hearing but not all testified. After receiving testimony, the Commission discussed various issues presented at the public hearing and directed the operator of the airport and his representative to meet with local residents and community groups to discuss the proposal. Consequently, the Regional Planning Commission continued the public hearing to March 16, 2005, to allow additional time to attain input from local residents regarding the proposal and instructed the operator to hold meetings with all of these parties participating together.

**March 5, 2005 Field Trip**

The Regional Planning Commission also scheduled a field trip to the Airpark on March 5, 2005. Commissioners Bellamy, Helsley, Rew and Modugno were in attendance during the visit to the Airpark. Staff gave the Commission a tour of the Airpark. At the request of the Board of Supervisors, the Commission also observed flight demonstrations and heard associated noise levels involving six different aircraft at the homes of two local residents. Representatives from the Department of Health Services were present during the demonstration to measure the noise levels of the aircraft at these locations. A representative from the County Department of Public Works Aviation Division was also present.

**March 16, 2005 Public Hearing**

At the March 16, 2005 continued public hearing, the Regional Planning Commission received additional verbal and written testimony from the airpark representatives, local residents, representatives of the Acton Town Council, the Agua Dulce Civic Association, the Concerned Citizens of Agua Dulce, the Agua Dulce Pilot's Association and the

Overall/Brink Group. The Commission discussed the possibility of revoking the Permit and the needs to retain the public use status of the Airpark. The Commission determined that the modifications as proposed by the Airpark cannot address the concerns of the Community. The Commission closed the public hearing and directed staff to prepare potential reasons for the revocation of the Permit.

**April 20, 2005 Discussion**

On April 20, 2005 the Commission heard the potential reasons to support the revocation of the Permit and received comments from the airpark representatives and two local residents. The Commission reviewed and discussed the potential reasons to support the revocation of Special Permit 1404-(5) pursuant to Part 13 of Chapter 22.56 of the Los Angeles County Code. The Commission found that there is insufficient cause to revoke the Permit. The Commission also discussed comments from the state and federal agencies regarding airport operations. The Commission concluded that some of the concerns expressed by residents of the community such as air traffic volume and noise levels are associated with flight operations of an airport, which are govern by federal regulations and beyond the control of the airport operator and the enforcement of the County. Although the Notice of Violations issued to the Airpark shows that the operator did not follow County code and procedures, however, the operator has taken appropriate remedial actions to correct the violations, as such, the violations did not substantiate the need to revoke the Permit as prescribed in Section 22.56.1780. The Commission concluded that it would not be appropriate to revoke the Permit and voted for the modification of the permit and instructed staff to prepared conditions for modification of the Permit.

**December 14, 2005 Public Hearing**

On November 3, 2005, the Commission determined that there is a need to re-open the public hearing to allow public testimony of the draft modified conditions for the Airpark. A public hearing has been scheduled on December 14, 2005 to allow public comments of the draft modified conditions of the Permit. County Counsel has advised staff to preclude conditions relating to certain type of operations of the Airpark as part of the modified conditions for the Permit. Conditions such as restriction on the types of aircrafts, operation of aircrafts, development of runway facility and hours of flight operations are preempted by federal regulations. A copy of the letter from County Counsel and original conditions of the Permit are included as an attachment to this report (Attachment).

Condition Nos. 2, 5-a, 5-c, 5-d, 5-e, 11 and 12 of Special Permit No. 1404 have been recommended for removal. The following conditions of Special Permit 1404 will be replaced by the proposed draft conditions:

Condition No. 1	This condition which requires a development plan showing the improvement of the Airpark will be replaced by Draft Condition No. 20;
Condition No. 3	The requirement of a paved parking area will be replaced by Draft Condition No. 39-d;
Condition No. 4	This condition will be replaced by Draft Condition No. 39-f to provide adequate physical access to the property;
Condition No. 5-b	The condition regarding the development of the airtel will be replaced by Draft Condition No. 38-j;
Condition No. 5-f	This condition will be replaced by Draft Condition No. 39-o to prohibit major engine repair;
Condition No. 5-g	This condition will be replaced by Draft Condition No. 39-p to prohibit outdoor storage of aircraft parts;
Condition No. 6	This condition will be eliminated to allow color scheme that is consistent with the rural characteristic of the Community;
Condition No. 7	This condition will be replaced by Draft Condition No. 39-p to prohibit wrecking of aircraft;
Condition No. 8 & 9	These two conditions will be replaced by Draft Condition No. 27 regarding runway improvements;
Condition No. 10	Draft Condition No. 26 will replaced this condition to ensure conformance with federal and state regulations;
Condition No. 13	This condition will be replaced by Draft Condition No. 16 to comply with County grading and drainage guidelines;
Condition No. 14	Draft Condition Nos. 3, 6 and 7 will replaced this condition; and
Condition No. 15 & 16	These two conditions have been updated as Draft Condition Nos. 11 and 12.

The following table is a comparison between the proposed draft conditions and the original conditions of the Permit:

As approved by SP 1404	Draft Modification
<ul style="list-style-type: none"> <li>• A 5,000-foot long runway</li> <li>• Aircraft tie-down area (approximately 250,000 square feet-no limitation on the number of aircraft)</li> <li>• 55 storage hangars (110,000 sq. ft. total)</li> </ul>	<ul style="list-style-type: none"> <li>• Maintain existing runway (approx. 4,600 feet)</li> <li>• 25 tie-down spaces (for lease spaces) &amp; 43,000 sq. ft. area as temporary parking for aircrafts)</li> <li>• 55 personal aircraft storage hangars (up to 3,000 sq. ft. max each; 110,000 sq. ft. total area)</li> </ul>
<ul style="list-style-type: none"> <li>• Four Service hangars (up to 9,000 sq. ft. each, 36,000 sq. ft. total)*</li> <li>• Two 120'x150' maintenance hangars (36,000 sq. ft. total)</li> <li>• A 2,400-square foot building for a flight school with 2 training planes (Fri-Sun, 8 am-4 pm)</li> </ul>	<ul style="list-style-type: none"> <li>• Four service hangars (up to 9,000 sq. ft. each, 36,000 sq. ft. total)*</li> <li>• Two 120'x150' maintenance hangars (36,000 sq. ft. total)</li> <li>• No flight school</li> </ul>
<ul style="list-style-type: none"> <li>• A 2,400-square foot utility building</li> <li>• A 3,150-square foot lounge and café</li> <li>• A 1,500-square foot manager's house</li> <li>• A fuel storage area with a 600-square foot office and shop</li> <li>• One caretaker trailer and a water pump</li> <li>• One 20-unit airtel with a pool, a restaurant and a parking area</li> <li>• Auxiliary uses (aircraft repairs, storage of parts)</li> <li>• Propeller driven light twin-motor aircrafts</li> <li>• No acrobatic flying</li> <li>• Light twin-engine aircraft; heavier aircraft not to exceed 15% of annual flight ops and no flight ops for aircraft over 30,000 lbs.</li> <li>• Emergency landing field and staging area</li> <li>• No expiration</li> </ul>	<ul style="list-style-type: none"> <li>• Maintain existing 2,400 sq. ft. utility bldg.</li> <li>• A 3,150-square foot lounge and café</li> <li>• 1,500-square foot manager's residence</li> <li>• 600 sq. ft. office building appurtenant to existing aircraft fueling station</li> <li>• No caretaker trailer and water pump</li> <li>• 20-room airtel with accessory restaurant, pool and parking area</li> <li>• Auxiliary uses (aircraft repairs, storage of parts)</li> <li>• Preempted by Federal Regulations</li> <li>• Preempted by Federal Regulations</li> <li>• Preempted by Federal Regulations</li> <li>• Preempted by Federal Regulations</li> <li>• 20 year expiration with one 10-year extension subject to Director approval</li> </ul>
<ul style="list-style-type: none"> <li>• No limitation on the number of based aircraft and flight operations</li> <li>• Emergency landing field and staging area</li> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• No limitation on number of based aircraft and flight operations.</li> <li>• Preempted</li> <li>• Six special events per year, subject to specified restrictions</li> </ul>
<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• No filming between 10 p.m. and 6 a.m. (30 days or 30 permits per year) and increased filming control on filming activities (additional noticing, lighting controls, etc.)</li> </ul>
<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• Increased community input through regular community meetings.</li> </ul>
<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• Flight operation log subject to FAA &amp; State regulations</li> </ul>

• N/A	• Biannual inspection
110,000 sq. ft. of hangar space for aircraft storage, 36,000 sq. ft. of hangar space for aircraft maintenance, and 36,000 sq. ft. of service hangar space* 182,000 sq. ft. total hangar area	110,000 sq. ft. of hangar space for aircraft storage, 36,000 sq. ft. of hangar space for aircraft maintenance, and 36,000 sq. ft. of service hangar space*; 182,000 sq. ft. total hangar area
* According to the County Dept of Public Works' Aviation Division, service hangars at other airports are considered aircraft storage hangars (aka, "community hangars") with service amenities (i.e. fueling, detailing & minor repairs).	

The proposed conditions are to update the operating conditions of the Airpark and appurtenant uses to ensure compliance with current regulations and standards, and to address concerns raised by local residents and Notices of Violations issued by the County. The following is a summary of the proposed conditions:

- Conditions Nos. 1 through 5 are standard conditions imposed on current permits.
- Condition No. 6 indicates the effective date of the modification.
- Condition No. 7 binds the modified conditions to the subject property.
- Condition Nos. 8, 9 and 10 stipulate the termination period of the permit, the inspection fees and the ability of the County to enforce the conditions.
- Condition Nos. 11 and 12 are standard conditions required on current permits.
- Condition Nos. 13 through 18 will ensure that the Airpark will comply with County regulations.
- Condition No. 19 is the standard "graffiti removal" condition.
- Conditions Nos. 20 through 24 required the submittal of an updated site plan, landscape plan, lighting plan signage plan of the Airpark. An exhibit to identify parking for film crew is also required.
- Conditions No. 25 to mitigate potential construction impacts.
- Condition Nos. 26 and 27 will ensure that the Airpark will comply with State and Federal regulations
- Condition No. 28 entail the permittee to removed the paved area located southerly of the runway and Condition No. 29 ensure grading activities are consistent with AQMD standards.
- Condition No. 30 establishes regular community meeting involving the permittee and the Agua Dulce Town Council.
- Condition No. 31 requires the operator to respond to written complaints.
- Condition No. 32 limits the number of special events at the Airpark.
- Condition Nos. 33 through 37 regulate filming activities at the Airpark.

- Condition No. 38 (a-m) identifies the improvements of the Airpark.
- Conditions No. 39 (a-t) regulates the operation and maintenance of the Airpark facilities.

The proposed modifications will be a significant improvement compared to the current conditions which the Airpark is operating under. Additional conditions to regulate the occurrence of temporary events and filming activities are proposed. Restrictions on the hours of operation for appurtenant Airpark uses such as the restaurant and maintenance facility have been established. An expiration of the Permit and biannual inspections have been proposed. The amount of approved tie-down area will be significantly reduced. The approved tie-down area is approximately 250,000 square feet (or 5.74 acres), under the current proposal, the Airpark is allow to have 25 designated parking spaces (for lease or rent) and approximately 43,000 square feet of temporary parking area to accommodate itinerant traffic at the Airpark. The current proposal also eliminated the development of a flight school and a caretaker residence.

The operator of the Airpark is also proposing to convert the maintenance hangars to storage hangars. The removal of the maintenance facility can have an indirect effect on itinerant traffic as aircraft repair and maintenance facility can encourage non-based aircraft onto the Airpark. This request is subject to the Commission's consideration.

As part of the modification proceeding, it is within the Commission's discretion to modify the development authorized by Special Permit 1404, such as the number and size of the hangars and the amount of tie-down area. The Commission can also determine the appropriate number of aircrafts to be stored in each hangar and reduce or eliminate airport auxiliary uses and structures. Staff is of the opinion that the current proposal to modify the conditions of the Permit can address the concerns of some local residents and community groups. The modified conditions would be a viable option to regulate the Airpark and to ensure the health and safety of local residents in the Community.

#### **STAFF RECOMMENDATION**

Prior to taking an action on this case, Staff recommends the Planning Commission consider the facts, analysis and correspondence contained in this report along with the oral testimony and/or written comments received during the public hearing. If the Commission agrees with the draft modified conditions, staff recommends the following motion:

<b>SUGGESTED MOTION:</b> "I move that the public hearing be closed and that the Regional Planning Commission indicate its intent to approve modification to Special Permit No. 1404-(5) with the modifications recommended by staff and instruct staff to prepare the final environmental documentation and findings and conditions for approval."
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Attachments:

Draft modified conditions

County Counsel letter

Original 1404 conditions

Approved site plans

**SPECIAL PERMIT NO. 1404-(5)  
DRAFT MODIFIED CONDITIONS**

**PAGE 1 OF 11**

1. The use of the subject property for a private commercial airport with appurtenant uses and buildings as depicted on the approved Revised Exhibit "A" is subject to all of the following conditions.
2. Unless otherwise apparent from the context, the term "permittee" shall include the operator and any other person, corporation, or other entity making use of this grant.
3. The permittee, and the owner of the subject property if other than the permittee, shall file at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 9.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
  - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Section 2.170.010 of the Los Angeles County Code.



6. This modification to Special Permit No. 1404 shall become effective 15 days after the permittee's receipt of notice of the Regional Planning Commission's approval of this modification unless an appeal is filed with the Board of Supervisors within this time period.
7. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee, as applicable, of the subject property.
8. This grant shall terminate on December XX, 2025. Upon written request made by the permittee not less than six (6) months prior to the termination date, the Director of Planning shall extend the term of this permit for ten (10) years to December, XX 2035, if the use is found to be in substantial compliance with the conditions of approval and has been conducted in compliance with applicable laws and regulations; and the permittee has exercised utmost diligence to resolve any Notice of Violation throughout the term of the permit.

Upon the termination of this grant, entitlement to the use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six months prior to the termination date of this grant, whether or not any modification of the use is requested at that time.

9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of \$6,000.00. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the site plan on file. The fund provides for 40 biannual inspections. The applicant shall deposit additional funds to provide 20 biannual inspections, if this grant is extended pursuant to Condition No. 8. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible for and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150.00 per inspection).

10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing in accordance with Section 22.56.1780 of the County Code, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance. The permittee shall pay or reimburse the County of all necessary costs associated with such hearing.
11. It is hereby declared to be the intent that If any material provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
12. It is hereby declared and made a condition of this permit that if any condition hereof is violated in any material way or if any other law, statute or ordinance is violated in any material way, the permit shall be suspended and the privileges granted hereunder shall lapse; provided that the permittee has been given written notice to cease such violation and has failed for a period of 30 days to do so.
13. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what additional facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said bureau.
14. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
15. The subject property shall be developed and maintained in compliance with the requirements of the Los Angeles County Department of Health Services. Adequate water and sewage facilities shall be provided to the satisfaction of said department.

16. All project grading activities and drainage shall comply with the requirements of the Department of Public Works.
17. Prior to the commencement of any construction activity, if necessary, the permittee shall submit a grading plan and drainage concept to Department of Public Works for their review and approval.
18. All structures shall comply with the requirements of the Divisions of Aviation and Building and Safety of the Department of Public Works and the Division of Aeronautics of the California Department of Transportation.
19. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization. In the event such extraneous marking occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such marking shall be of a color that matched, as closely as possible, the color of the adjacent surfaces.
20. Within sixty (60) days of the effective date of this modification, the permittee shall submit to the Director for review and approval three (3) copies of a detailed revised site plan (Revised Exhibit "A"), that depict all project modifications required by these conditions of approval, including the following: 1) Provide a legal description of the Airport boundaries prepared by a licensed surveyor or civil engineer, 2) Delineate the legal boundaries and all existing improvements, and 3) The use and dimensions (where applicable) of all structures and improvements to be maintained and/or constructed on the subject property pursuant to this grant. The subject property shall be developed and maintained in substantial compliance with the approved Revised Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit three (3) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner.
21. Within sixty (60) days of the effective date of the grant adherence to development in accordance with the site plan on file of this grant, the permittee shall submit to the Director for review and approval three (3) copies of a landscape plan, which may be incorporated into the Revised Exhibit "A" described above. The landscape plan shall show the size, type, and location of all plants, trees, and watering facilities. The permittee shall maintain all landscaping in a neat, clean and healthy condition, including proper pruning, weeding, litter removal, fertilizing and replacement of plants when necessary. Watering facilities shall consist of a permanent water-efficient

irrigation system, such as "bubblers" or drip irrigation, for irrigation of all landscaped areas except where there is turf or other ground cover.

22. Within sixty (60) days of the approval date of this grant, the permittee shall submit to the Director for review and approval three (3) copies of a lighting plan, which may be incorporated into the Revised Exhibit "A" described above. The lighting plan shall show the locations, types, and heights of all proposed pole and wall mounted lighting. All new exterior lighting shall consist of high energy efficient lighting and shall be hooded and directed away from neighboring residences to prevent direct illumination and glare. All exterior lighting shall be turned off within thirty (30) minutes after conclusion of activities, with the exception of low-level sensor-activated security lighting along all pedestrian walkways leading to and from the parking lot and the property perimeter
23. Within sixty (60) days of the approval date of this grant, the permittee shall submit to the Director for review and approval three (3) copies of sign plans depicting all existing and proposed signs on the subject property.
24. Within sixty (60) days of the effective date of this grant, the permittee shall also submit to the Director of Planning three (3) copies of: a "Film Crew Parking Exhibit," depicting locations on the subject property designated for parking of film crews' personal vehicles during filming activities on the property.
25. Project construction activity, including engine warm-up, shall be limited to those hours between 7:00 a.m. and 6:00 p.m. Monday through Friday and 8:00 a.m. and 5:00 p.m. Saturday. No construction activities shall occur at the subject property on Sunday or county recognized legal holidays. All stationary construction noise sources shall be sheltered or enclosed to minimize adverse effects on nearby offices and residences. Generators and pneumatic compressors shall be noise protected in a manner that will minimize noise effects to adjacent residences. Parking of construction worker vehicles shall be on-site and restricted to areas buffered from residences located to the south and east of the subject property.
26. The permittee shall comply with all applicable regulations of the Aviation Division of Los Angeles County, the California Department of Transportation Division of Aeronautics and the Federal Aviation Administration.
27. The permittee shall install and maintain all obstruction markers, wind cones, traffic directional indicators and other appurtenant structures and safety equipment required by the Federal Aviation Administration and the California Department of Transportation

Division of Aeronautics and submit plans demonstrating such compliance to the Los Angeles County Department of Public Works Division of Aviation.

28. The permittee shall remove the paving located between the runway and the southerly property boundary. If required by the Department of Public Works, the permittee shall submit a drainage concept or plan to be reviewed and approved by the said department for the issuance of necessary permit for this area, and implement appropriate remedial measures necessary to restore the drainage pattern to the satisfaction of said Department.
29. In addition to strict compliance with the South Coast Air Quality Management District's Rule 403 – Fugitive Dust, all material graded shall be sufficiently watered to prevent excessive amounts of dust during the construction phase. Watering shall occur at least twice daily with complete coverage, preferably in the late morning and after work is done for the day. All clearing, grading, earth moving or excavation activities shall cease during periods of high winds (i.e. greater than 20 mph averaged over one hour) to prevent excessive amounts of dust. Any materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.
30. Within 30 days of the effective date of this grant, the permittee shall make a written request to the Agua Dulce Town Council, requesting said Council, if it deems it appropriate, to agendize the airport as a discussion item for purposes of providing a community forum for discussion of airport issues. The permittee shall make such written request to the Town Council quarterly during the first two years following the effective date of this grant; thereafter, for the remaining term of this grant, permittee shall make such written request to the Town Council on a biannual basis (i.e., two times per year). Copies of all written request shall be provided to the Department of Regional Planning for inclusion in the case file. In the event the Town Council agendizes the matter, the permittee (or his/her designee) and a representative from the Department of Regional Planning shall be present at each such meeting.
31. The permittee shall maintain electronic mail (email), facsimile and telephone services for the purpose of receiving complaints from persons in the Agua Dulce area regarding the operation of the airport. The permittee, or his/her qualified designee, shall respond with diligence in writing to any person(s) having submitted a complaint in writing (i.e., via email, facsimile or letter) regarding the operation of the airport. The permittee shall maintain a log of telephone complaints received at the airport, providing the name of the person lodging the complaint (if provided by caller), a brief description of the nature of the complaint and, if applicable, corrective measures taken by the permittee to rectify the complaint. The permittee shall submit said telephone complaint log, and

any written complaints received and permittee's written responses thereto, on a quarterly basis to the Department of Regional Planning for inclusion in the case file.

32. The permittee is authorized to conduct no more than six (6) special events per year on the subject property. The activities of each special event are subject to the approval of the Director in accordance with Part 14 of Chapter 22.56 of the Zoning Code. Activities directly related to or associated with the airport's aviation operation and use shall not be deemed uses requiring a Temporary Use Permit. The Temporary Use Permit issued for each special event shall be subject to the following restrictions:
- a. The permittee shall file all TUP applications at the Department at least sixty (60) days prior to the proposed scheduled date of such special event;
  - b. The permittee shall provide adequate on-site parking for special events at the facility, either on-site or on adjoining property owned by the permittee. Permittee shall submit an exhibit with each Temporary Use Permit application filed at the Department depicting where such special event parking will be located for any special event conducted at the subject property;
  - c. The permittee is expressly prohibited from conducting any tractor pulls, hot air balloon meets, motorcycle events, demolition derby events or other events featuring motorized vehicles (excluding the static display of automobiles ) on the subject property; and
  - d. The permittee shall submit evidence in writing that notice has been sent to the Agua Dulce Town Council regarding such special event.
33. No filming activities for which issuance of a Film Permit is required from the Entertainment Industry Film Corporation (EIDC) shall occur on the subject property without prior issuance of such valid Film Permit.
34. Filming conducted indoors or outdoors on the grounds of the subject property after 10:00 p.m. and before 6:00 a.m. is strictly prohibited.
35. All lighting facilities utilized by filming crews during outdoor night filming shall be shielded from neighboring residences.
36. Filming on the subject property shall not occur for more than 30 days or 30 permits issued per calendar year, whichever is less. For the purposes of this grant, "filming" means the actual days during which filming occurs on the property as identified in a valid EIDC-issued film permit, and does not include days spent by film crews during film production assembly ("prep days") and disassembly ("strike days"). The permittee shall keep a film log indicating all days on which filming occurs on the subject property

and noting the number of film permits issued in relation to the subject property. Said film log shall be made available upon request for inspection by the staff of the Department of Regional Planning.

37. The permittee shall provide a minimum 24-hour advanced electronic (email) notice regarding all filming conducted at the subject property to all adjoining residents of the airport and all local residents who request such notification in writing. The filming notice shall posted on a website to be maintained by the permittee not less than 24-hour prior to the scheduled filming. The permittee shall provide a copy of the notification list to the management of the EIDC, the 5<sup>th</sup> Supervisorial District office, the Department of Regional Planning (for inclusion in the case file) and the Agua Dulce Town Council.
38. This grant authorizes the construction and development of the following development on the subject property as depicted in accordance with the approved Revised Exhibit "A" as prescribed in Condition No. 20:
  - a. One aircraft runway;
  - b. Aircraft taxi ways;
  - c. Fifty-five (55) personal aircraft storage hangars (the total floor area of which not to exceed 110,000 square feet of hangar space and each hangar not to exceed 3,000 square feet);
  - d. Four (4) service/community aircraft storage hangars, each not to exceed 9,000 square feet, for a combined total of 36,000 square feet of hangar space;
  - e. Two (2) maintenance hangars, each not to exceed 18,000 square feet, for a combined total of 36,000 square feet of hangar space;
  - f. Twenty-five (25) private (for rent or lease) aircraft tie-down spaces located on the northerly side of the runway;
  - g. One acre parking area located on the northerly side of the runway to be utilized solely for the temporary parking of aircraft not to exceed seven (7) days. The permittee shall maintain log of all aircraft utilizing said area and be available upon request by the County;
  - h. Aircraft fueling facilities and accessory 600 square feet fueling office/fuel maintenance shop building;

- i. A 3,150-square foot airport manager's office/pilots' lounge structure;
  - j. 20-room airtel with appurtenant restaurant (4,800 square feet) and pool ;
  - k. A 1,500-square foot airport manager's residence;
  - l. One (1) 2,400 square foot utility building; and
  - m. Helicopter helipad/landing zone;
39. The operation and maintenance of the airport shall be further subject to all of the following restrictions:
- a. The permittee shall maintain any and all logs of all flight operations conducted at the airport as required by federal and/or state law. The permittee shall, on a monthly basis for the first year after the effective date of this modification and thereafter, on a quarterly basis, transmit a copy of any such airport flight operations logs to the Department of Regional Planning. The permittee shall also present said log to the Departmental Zoning Enforcement staff upon request;
  - b. The locations and height of all new hangars shall be approved by the Aviation Division of Los Angeles County, the California Department of Transportation Division of Aeronautics and the Federal Aviation Administration prior to construction;
  - c. A minimum of 62 on-site parking spaces shall be provided and continuously maintained. Spaces reserved for persons with disabilities, shall be provided consistent with County Code;
  - d. All designated parking areas shall be paved in accordance with Section 22.56.1060 of the County Code;
  - e. The runway shall be paved and maintained in accordance to the guidelines of the Federal Aviation Administration and the California Department of Transportation Division of Aeronautics;
  - f. Vehicular access within the subject property shall be provided to the satisfaction of the Los Angeles County Fire Department;



- g. The permittee shall post signs indicating the maximum vehicle speed limit of 5 miles per hour throughout the parking area and driveways;
- h. The required parking spaces shall be continuously available for vehicular parking only and shall not be used for storage, automobile or truck repair, or any other use not authorized by this grant;
- i. All outdoor trash containers shall be covered and all trash enclosure areas shall be screened from public and private view corridors by landscaping, berms, compatible structures or walls, or a combination of these;
- j. All parking lot and other exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off within thirty (30) minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot and hangars and the property perimeter;
- k. Except for special events with authorization of a temporary alcoholic beverage permit issued by the State of California Department of Alcoholic Beverage Control, the sale of alcoholic beverages at the airport is prohibited unless a conditional use permit is approved pursuant to Part 1 of Chapter 22.56.195 of the County Code;
- l. Operating hours for the restaurant are restricted to the hours between 8:00 a.m. to 6:00 p.m. Monday through Sunday;
- m. Operating hours for the aircraft maintenance facility are restricted to the hours between 9:00 a.m. to 5:00 p.m., Monday through Saturday; said aircraft service facility shall be closed on Sundays;
- n. All spraying, painting and coating operations at the aircraft maintenance facility shall be subject to the rules and regulation of the South Coast Air Quality Management District (AQMD). All necessary permits shall be retained on the premise at all times and be immediately produced upon the request of the Department of Regional Planning;
- o. The maintenance facility at the airport shall not provide major engine overhaul or testing of engines removed from aircraft;
- p. This grant only provides for the maintenance of flyable, certified, operational aircraft and does not allow the dismantling, salvaging or outside storage of

wrecked aircraft. Major repairs of aircraft located on the subject property are only authorized to occur within hangar structures; Aircrafts under repair or aircraft parts being utilized for the repair of an aircraft shall be stored within an enclosed hangar structure. The permittee and all lessees shall be permitted to conduct aircraft "hobbyist" activities, including the washing, repair, and performance of routine maintenance required for the lessee's or permittee's aircraft on the airport property, provided there is no attempt to perform such services for others for profit, and further provided that such right is conditioned upon compliance with applicable law. At no time shall any lessee hangar be utilized for any commercial, industrial, manufacturing, residential or other use not typically associated with the maintenance and use of personal aircraft storage, whether for-profit or without charge;

- q. Floors of hangars, terminal apron and ramp areas, and areas used in aircraft operation shall be clean and clear of oil, grease and other materials or stains and otherwise in a clean and orderly manner. Permittee shall comply with all applicable National Pollutant Discharge Elimination System (NPDES) regulations affecting treatment of on-site drainage and disposal of hazardous materials (e.g., aircraft oil and fuel), as may be enforced by the County Department of Public Works.
- r. Painting of aircraft or other personal property by lessees within the confines of an enclosed hangar shall be subject to the rules and regulations of the South Coast Air Quality Management District (SCAQMD). Spray coating operations using pumps and compressors are strictly prohibited within the storage hangars;
- s. Outside storage of construction and building materials and inoperable vehicles and aircrafts, is prohibited on the property. All aircraft parts and aircrafts undergoing repair or service shall be stored within an enclosed hanger; and
- t. The permittee shall maintain a current contact name, address, and phone number with the Department of Regional Planning at all times.





COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION

500 WEST TEMPLE STREET

LOS ANGELES, CALIFORNIA 90012-2713

RAYMOND G. FORTNER, JR.  
County Counsel

November 30, 2005

TELEPHONE  
(213) 974-1876  
FACSIMILE  
(213) 617-7182  
TDD  
(213) 633-0901

TO: WAYNE REW, Chair  
ESTER L. VALADEZ, Commissioner  
LESLIE G. BELLAMY, Commissioner  
HAROLD V. HELSLEY, Commissioner  
PAT MODUGNO, Commissioner  
Regional Planning Commission

FROM: LAWRENCE L. HAFETZ /LLH  
Principal Deputy County Counsel  
Property Division

RE: **Agua Dulce Airpark/Federal Preemption**

In connection with Agua Dulce Airpark's ("Airpark's") continued revocation/modification proceeding ("Proceeding") on December 14, 2005, we have been asked to consider whether, in our opinion, any of the original conditions in the Airpark's special use permit 1404-(5) ("CUP 1404") are preempted by federal law. CUP 1404 was approved by the Los Angeles Regional Planning Commission ("Commission") on October 27, 1959, and is attached hereto as Exhibit A for your reference.

After reviewing the relevant federal statutes and the controlling case law, we conclude that several of the conditions in CUP 1404, set forth in Section III below, would most likely be preempted by federal law. Accordingly, we have recommended to staff to eliminate these conditions from the draft conditions submitted to your Commission for review.

**DISCUSSION**

**I. Federal Preemption Doctrine**

The doctrine of federal preemption is derived from the Supremacy Clause of the United States Constitution and provides that where a conflict arises between federal law and state or local law, federal law prevails if such was the

intent of Congress.<sup>1</sup> Congressional intent may be either express or implied.

Express preemption is found where a statutory enactment expressly states Congress' intent to preempt local law. On the other hand, implied preemption may be found in three situations: (1) where compliance with both federal law and local law would be impossible; (2) where compliance with local law would frustrate the purposes of federal law; or (3) where federal law so fully occupies a field of regulation that it is reasonable to conclude that Congress intended to preempt all local law in that field.

In general, there are three potential sources of federal preemption in the aviation context that are relevant here: (1) the Federal Aviation Act of 1958, 49 U.S.C. § 40101, et seq. ("Aviation Act"); (2) the Airline Deregulation Act of 1978, 49 U.S.C. § 41713 ("Deregulation Act"); and (3) the various noise acts ("Noise Acts") adopted by Congress between 1972 to 1990.

The Aviation Act is the federal law that bears most directly on the question of preemption in this case and was adopted in 1958 primarily to regulate the safe and efficient use of navigable airspace throughout the nation. Pursuant to the Aviation Act, the United States Government has exclusive sovereignty over navigable airspace and aircraft safety. (49 U.S.C. § 40103) Although the Aviation Act contains no express preemption provision, courts have found that the Aviation Act impliedly preempts local acts that: (1) interfere with the safe and efficient navigation of the federal airspace; and (2) directly interfere with aircraft operations, including flight and ground operations relating to taxiing, take-off, and landing.

The Deregulation Act was adopted in 1978 to achieve economic deregulation of the airline industry and to promote maximum reliance on competitive market forces within the industry. Pursuant to the Deregulation Act, local government is expressly preempted from enacting or enforcing any regulation related to a price, route, or service of an air carrier. (49 U.S.C. § 41713(b)) According to Congress, such a regulation would interfere with the competitive market forces in the air carrier industry.

---

<sup>1</sup> The federal preemption doctrine applies with equal force to regulations adopted by a state or local government. However this memorandum addresses federal preemption only as it pertains to local regulations since the permit in question was issued by the Commission, a local governmental entity.

The Noise Acts were adopted between 1972 and 1990 and provide a comprehensive federal regulatory scheme to address aircraft noise problems. The acts include: the Noise Control Act of 1972 (42 U.S.C. § 4901, et seq.); the Quiet Communities Act of 1978 (42 U.S.C. § 4913); the Aviation Safety and Noise Abatement Act of 1979 (49 U.S.C. § 47501, et seq.); and the Airport Noise and Capacity Act of 1990 (49 U.S.C. § 47521, et seq.).

Courts have found that the Noise Acts preempt attempts by municipalities to regulate aircraft noise by directly regulating aircraft operations. In this regard, the Noise Acts significantly circumscribe local control in an area that has long been considered a local matter, i.e., noise regulation, when the noise is airport-related.

However, local government remains free to address aircraft noise in ways that do not directly regulate aircraft operations. For example, local government may mitigate the effects of aircraft noise with the use of zoning power to prevent inconsistent land uses.

**II. Examples of Local Regulations That We Believe Would Most Likely: (A) Be Preempted; and (B) Not Be Preempted**

**A. Examples of Local Regulations Most Likely Preempted**

Based on the above federal statutes and the controlling case law, we believe that the following types of local airport-related regulations would most likely be preempted by federal law because they would interfere with aircraft operations, safe aircraft navigation, or the pricing, routing or scheduling of aircraft:

- Flight curfews;
- Limitations on the days of an airport's permissible operation;
- Flight bans over residential areas;
- Prohibitions on flights below a specified altitude;
- Mandated use of specific safety equipment or procedures;
- Bans on the installation of safety equipment required by federal law;

- Bans on aerobatic flight operations;
- Bans on parachuting;
- Caps on prices charged for flight services or operation;
- Restrictions on the number of flights to and from an airport;
- Bans on flights to or from specific locations or markets; and
- Bans on operations of a specific air carrier.

**B. Examples of Local Regulations Most Likely Not Preempted**

Unlike the above examples, because a local government can adopt airport-related measures that do not: (1) interfere with the safe and efficient navigation of aircraft; or (2) directly regulate aircraft operations, we believe the following types of local regulations would most likely not be preempted by federal law:

- Zoning restrictions that ban residential development near airports;
- CUP requirements regulating the operation of a heliport in an industrial zone;
- Requirements to erect ground level sound barriers in locations that would not conflict with aircraft activity or otherwise conflict with federal regulations; and
- Bans on aerial advertising to prevent distractions to drivers on the ground.

**III. Federal Preemption as Applied to CUP 1404**

Based on the above analysis, we believe that several of the conditions in CUP 1404, identified below, would most likely be preempted by federal law. Accordingly, we have recommended to staff to eliminate these conditions from the draft conditions submitted to your Commission for review.

The conditions are as follows, with the reason for our determination stated with each condition:

- Condition 2 - Requiring the landing strip and taxiway to be paved would most likely be preempted because runway design is included within aircraft operations;
- Condition 5(a) - Restricting the use of the Airpark to certain classes of aircraft such as "pleasure and executive type aircraft" would most likely be preempted because the restriction would interfere with flight operations;
- Condition 5(c) - Restricting the frequency and number of training flights would most likely be preempted because the restriction would directly interfere with flight operations;
- Condition 5(d) - Regulating whether or not emergency landings can take place at the Airpark would most likely be preempted because the regulation would interfere with the safe use of navigable airspace;
- Condition 5(e) - Regulating whether government aircraft can use the Airpark would most likely be preempted because the regulation would interfere with aircraft operations;
- Condition 11 - Banning aerial acrobatics, parachuting, and "dangerous flying" would most likely be preempted because the ban would relate to aircraft operations and the use of navigable airspace; and
- Condition 12 - Restricting the use of the Airpark to propeller driven aircraft would most likely be preempted because the restriction would interfere with flight operations.

We also believe that Condition 8 and Condition 9, regulating construction markers and other navigational aids at the Airpark, should be modified to avoid a preemption challenge.



The placement and use of navigational aids are essential to the safe and efficient operation of an airport and any regulation directed at these aids would most likely be preempted. Moreover, local government cannot require an airport to submit safety structures and equipment for discretionary approval. At most, local government can require an airport to submit plans demonstrating that the installation and location of these items are in compliance with federal regulatory requirements.

Accordingly, we propose that Condition 8 and Condition 9 in CUP 1404 be combined and revised as follows:

The permittee shall install and maintain all obstruction markers, wind cones, traffic directional indicators, and other appurtenant structures and safety equipment required by the Federal Aviation Administration and the California Department of Transportation Division of Aeronautics and submit plans demonstrating such compliance to the Department of Public Works Division of Aviation.

As for all other proposed conditions concerning the Airpark, we intend to work closely with staff to ensure that such conditions are consistent with the above analysis and comply with all pertinent federal law.

LLH:di

Attachment



HILTON BREIVOGEL  
DIRECTOR OF PLANNING  
RED M. GEBHART  
CHIEF DEPUTY DIRECTOR

COUNTY OF LOS ANGELES  
THE REGIONAL PLANNING COMMISSION

108 WEST SECOND STREET  
MADISON 8-9211  
LOS ANGELES 12, CALIFORNIA

October 28, 1959

COMMISSIONERS

ARTHUR J. BAUM  
CHAIRMAN

LOUIS KANASTER  
VICE-CHAIRMAN

ALSON E. ABERNETHY

MRS. L. S. BACA

ZELL F. HARSHTON

IRMA RUTHER

SECRETARY TO THE COMMISSION

Certified Mail -  
Return Receipt Requested

Agua Dulce Air Park  
33618 Agua Dulce Canyon Road  
Saugus, California

Attention: Errol Williams and Robert W. Lillibridge, Partners

Gentlemen:

Subject: Special Permit Case No. 1404-(5)  
Airport and appurtenant facilities  
Soledad Zoned District

The special permit granted by the Regional Planning Commission at its meeting on October 27, 1959, in the above numbered case is enclosed. This permit is for property located approximately 1000 feet northeasterly of the intersection of Agua Dulce Canyon Road and Darling Road in the Soledad Zoned District.

Your attention is called to the following:

1. Paragraph 14 of the decision relating to acceptance by the owners of the conditions of the permit.

2. That all setback and other requirements of the A-1-10,000 and A-2-1 zones, in which this property is located, must be complied with unless specifically set forth and itemized in the permit.

3. That there is a period of fifteen days following your receipt of this letter during which this decision may be appealed to the Board of Supervisors by a written communication and deposit of the amount necessary to cover the cost of preparing a transcript

*Spcl Permit # 1404-5*

Agua Dulce Air Park

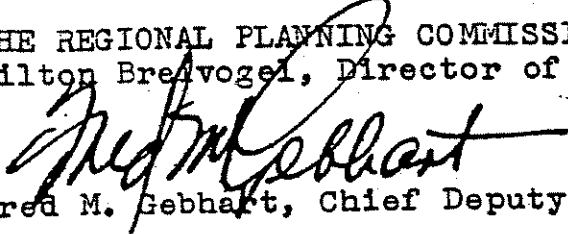
- 2 -

October 27, 1959

of the proceedings before the Regional Planning Commission. Caution should be exercised in making any expenditures under the permit during this period.

Very truly yours,

THE REGIONAL PLANNING COMMISSION  
Milton Breivogel, Director of Planning

  
Fred M. Gebhart, Chief Deputy Director

DMF:cs

c.c. - Building & Safety Division  
Chf Clk Bd of Spvrs

Mr. Glenn R. Watson,  
Attorney at Law  
633 Title Insurance Building  
433 South Spring Street  
Los Angeles 13, California

Mr. Colin Stewart  
32801 Agua Dulce Canyon Road  
Saugus, California

Mr. George Goldman, Attorney  
816 East Palmdale Boulevard  
Palmdale, California

Mr. John A. Lambie  
County Engineer and  
Director of Aviation  
of Los Angeles County  
Attention: Mr. H. Arthur Hook  
Chief, Aviation Division  
108 W. Second Street, Rm. 700  
Los Angeles, California

California Aeronautics Commission  
Attention: Mr. Clyde P. Barnett  
Director of Aeronautics  
6151 Freeport Boulevard  
Sacramento, 22, California

Federal Aviation Airport Division  
5651 West Manchester Avenue  
Los Angeles 45, California

Mr. A. B. Osterhues  
Dept. of County Engineer  
Construction & Storm Drain Division  
253 S. Broadway, Room 512

SPECIAL PERMIT CASE NO. 1404-(5)

The Regional Planning Commission of the County of Los Angeles grants a Special Permit, under the provisions of Ordinance No. 1494, so as to permit the following described property:

102.5 acres, commencing south 15 chains from the northeast corner of Section 23, Township 5 North, Range 14 West, S.E.B. & M.; thence west 5 chains; thence south 5 chains; thence west 5 chains; thence south 5 chains; thence west 5 chains; thence south 5 chains; thence west 10 chains; thence south 5 chains; thence west 15 chains; thence south 5 chains; thence west 15 chains; thence south 15 chains; thence west 5 chains; thence south 5 chains; thence east 10 chains; thence south 10 chains; thence east 5 chains; thence north 5 chains; thence east 10 chains; thence north 5 chains; thence east 5 chains; thence north 5 chains; thence east 10 chains; thence north 5 chains; thence east 5 chains; thence north 5 chains; thence east 5 chains; thence north 5 chains; thence east 5 chains; thence north 15 chains to point of beginning,

to be used to enlarge, operate and maintain an existing private commercial airport and to modify some of the conditions of Special Permit Case No. 1352, under the following conditions:

1. That two copies of a revised plot plan incorporating such of the following conditions as may be shown on a plan be submitted for approval of the Director of Planning. (Note: This will establish the location of the hangars and the airtel);
2. That the landing strip, including the 1000 foot extension, and the taxi strip, shall be paved with asphalt, concrete or macadam type of surfacing;
3. That all areas used by automobiles shall be paved with asphalt, concrete or macadam type of surfacing;
4. That the roadway leading from the nearest public highway to subject property be paved with an asphaltic, concrete or macadam type of surfacing and continuously maintained in good condition;
5. That subject property shall be limited to the following uses:
  - a. Airport for pleasure and executive type aircraft not exceeding light twin motors in weight and by heavier types not exceeding 30,000 pounds total weight; such heavier types shall not exceed 15 percent of the annual takeoffs and landings at this airport;
  - b. Airtel with a total capacity of 20 units;
  - c. Aircraft school not to exceed 2 training planes at any one time and limited to Fridays, Saturdays and Sundays between the hours of 8:00 a.m. and 4:00 p.m.;

SPECIAL PERMIT CASE NO. 1404-(5)

d. Emergency landing field;

e. Those governmental uses, such as aircraft used for fire fighting purposes, necessary for maintaining the general welfare;

f. Major repairs but not including heavy engine overhaul nor the testing of engines removed from aircraft;

g. Storage of aircraft parts within the hangars only;

6. That the hangars be constructed of new material and be painted a neutral grey-green color to blend with the surrounding area;

7. That there is no wrecking of aircraft, and only such storage of damaged aircraft as is necessary for removal; such time shall not exceed 30 days;

8. That obstruction markers of a type and at locations to be approved by the Director of Aviation of Los Angeles County, be erected along the northerly border of subject property;

9. That a wind cone, traffic directional indicator and such other structures and equipment as may be required by appropriate governmental agencies to contribute to the safety of such airport may be constructed and used on subject property;

10. That applicant comply with all applicable regulations of the Los Angeles County Department of Aviation, Federal Aviation Agency, and the California State Department of Aviation;

11. That there be no acrobatics, parachute jumping or other form of dangerous flying conducted at this airport;

12. That this airport be limited to propeller driven aircraft;

13. That provisions be made for all natural drainage to the satisfaction of the County Engineer. Drainage plans and two signed grading plans shall be submitted to the County Engineer, Construction and Storm Drain Division, for approval, prior to grading or construction;

14. This permit shall not be effective for any purpose until the owners of the property involved have filed at the office of the said Regional Planning Commission their affidavits stating that they are aware of and accept all the conditions of this permit;

15. It is hereby declared to be the intent that if any provision of this permit is held or declared to be invalid the permit shall be void and the privileges granted hereunder shall lapse;

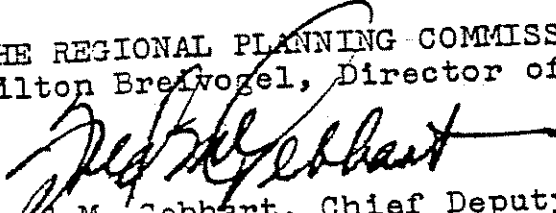
SPECIAL PERMIT CASE NO. 1404-(5)

16. It is hereby declared and made a condition of this permit that if any condition hereof is violated or if any other law, statute or ordinance is violated the permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed for a period of 30 days to do so.

This permit shall become null and void unless it is used prior to October 27, 1960.

The foregoing is the decision rendered by the Regional Planning Commission on October 27, 1959.

THE REGIONAL PLANNING COMMISSION  
Milton Breivogel, Director of Planning

  
Fred M. Gebhart, Chief Deputy Director

MF:cs

RPC MEETING DATE  
1/22/05

AGENDA ITEM NO.  
6

## REGIONAL PLANNING COMMISSION TRANSMITTAL CHECKLIST

PROJECT NO: 1404-(5)

CASE NO. Special Permit No. 1404-(5)

CONTACT PERSON: Samuel Dea

- ☒ STAFF REPORT
- ☒ DRAFT CONDITIONS (If Recommended For Approval)
- ☐ DRAFT FINDINGS FOR DENIAL (If Land Division Case Recommended For Denial)
- ☐ BURDEN OF PROOF STATEMENT
- ☐ ENVIROMENTAL DOCUMENTATION
- ☒ THOMAS BROTHERS MAP (Identifying Subject Property)
- ☒ LAND USE RADIUS MAP
- ☒ SITE PLAN AND ELEVATIONS
- ☒ PHOTOGRAPHS
- ☒ CORRESPONDENCE
- ☒ EXHIBITS & ATTACHMENTS \_\_\_\_\_
- ☒ VICINITY/GIS MAP \_\_\_\_\_
- ☐ \_\_\_\_\_

Reviewed By: Russell J. Tucano







Los Angeles County Department of Regional Planning  
320 West Temple Street, Los Angeles, California 90012  
Telephone (213) 974-6443

**PROJECT No. SPECIAL USE PERMIT NO. 1404-(5)**  
**REVOCATION/  
MODIFICATION OF PERMIT**

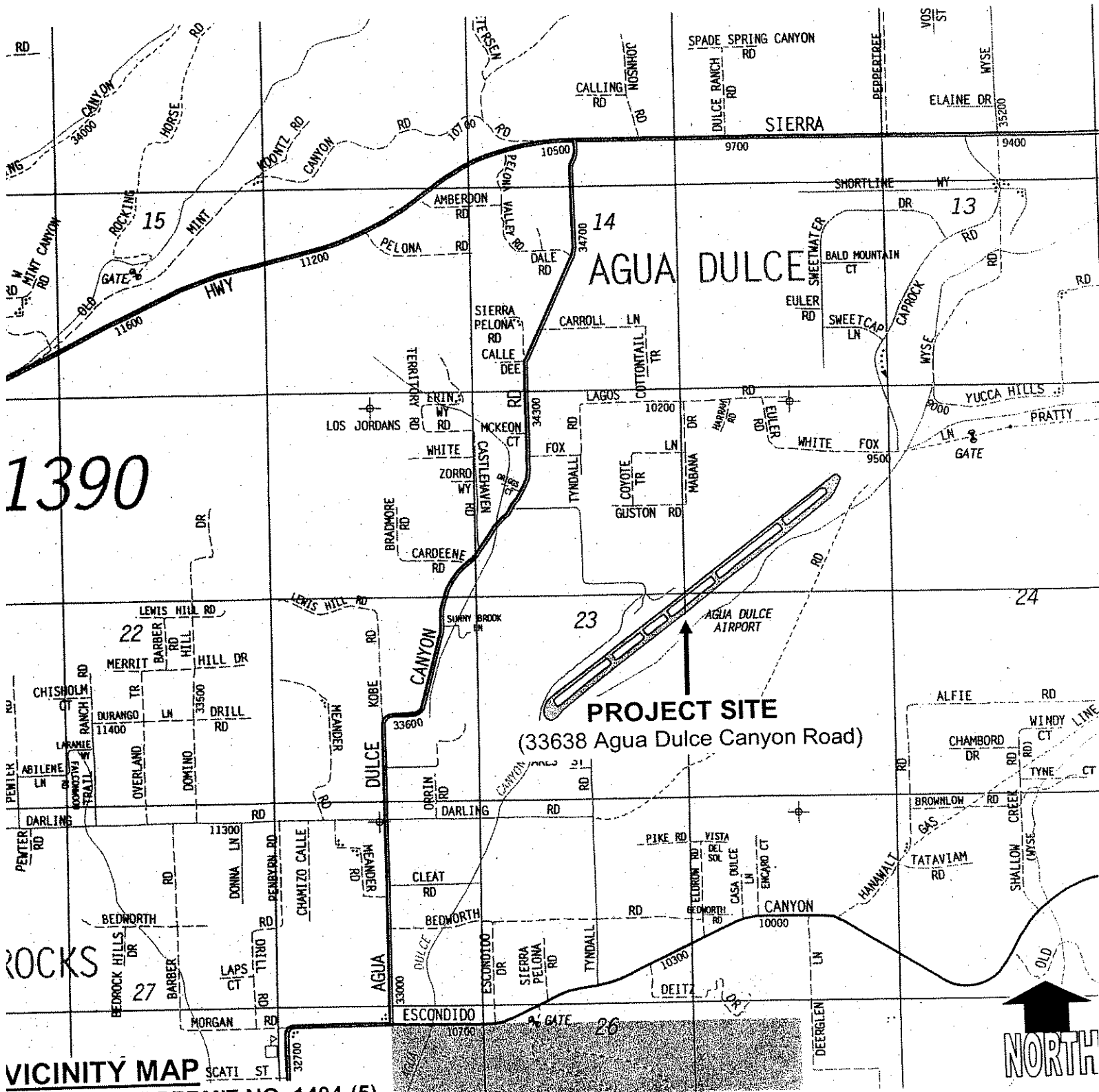
RPC CONSENT DATE	CONTINUE TO
AGENDA ITEM	
PUBLIC HEARING DATE January 22, 2005	

<b>APPLICANT</b> Los Angeles County Regional Planning Commission		<b>OWNER</b> Agua Dulce Airpark		<b>REPRESENTATIVE</b> Armbruster and Goldsmith,LLP	
<b>REQUEST</b> To consider revocation or modification of conditions of approval of Special Use Permit No. 1404-(5). Special Use Permit No. 1404-(5) is to authorize the modification of some of the conditions of approval of the previous permit and to allow the expansion, operation and maintenance of an existing private commercial airport.					
<b>LOCATION/ADDRESS</b> 33638 Agua Dulce Canyon Road			<b>ZONED DISTRICT</b> Soledad		
<b>ACCESS</b> Agua Dulce Canyon Road			<b>COMMUNITY</b> Agua Dulce		
			<b>EXISTING ZONING</b> A-2-1 (Heavy Agricultural-2 acres required area) and A-1-10,000 (Light Agricultural-10,000 sq. ft. minimum area)		
<b>SIZE</b> 110 acres	<b>EXISTING LAND USE</b> airport with appurtenant uses and structures		<b>SHAPE</b> Irregular		<b>TOPOGRAPHY</b> level to sloping
<b>SURROUNDING LAND USES &amp; ZONING</b> North: Single-family residences and vacant properties/A-1-10,000 (Light Agricultural-10,000 sq. ft. minimum area)			East: Single-family residences and vacant properties /A-1-10,000		
South: Single-family residences and vacant properties/A-1-10,000 and A-2-1			West: Single-family residences and vacant properties/A-1-10,000 and A-2-1		
<b>GENERAL PLAN</b>		<b>DESIGNATION</b>		<b>MAXIMUM DENSITY</b>	
Countywide		P (public and semi-public facilities)		_____	
Santa Clarita Valley Area Plan		AP (Airport) and N1 )Non-Urban 1)		N/A	
				See staff analysis	
<b>ENVIRONMENTAL STATUS</b> Categorical Exemption pursuant to Class 21 for revocation or enforcement action of a permit.					
<b>DESCRIPTION OF SITE PLAN</b> The applicant's latest approved Revised Exhibit "A", dated October 31, 2003, depicts the subject property developed with an airport comprises of a runway, an aircraft tiedown area, forty (40) hangers, a pilot's lounge with an office and a café, a swimming pool, a fuel pump and a proposed 20-room motel. 62 parking spaces are depicted (60 standard, 2 handicapped). The subject property is located southerly of Agua Dulce Canyon Road and the northerly terminus of Darling Road. Access to the subject property is via a driveway from Agua Dulce Canyon Road.					
<b>KEY ISSUES</b> <ul style="list-style-type: none"> <li>Compliance with conditions of approval of Special Use Permit Case No. 1404-(5).</li> <li>Revocation/modification procedures in compliance with Part 13 of Section 22.56 of the County Code.</li> </ul> <i>(If more space is required, use opposite side)</i>					

**TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS**

<b>STAFF CONTACT PERSON</b>					
<b>RPC HEARING DATE(S)</b>		<b>RPC ACTION DATE</b>		<b>RPC RECOMMENDATION</b>	
<b>MEMBERS VOTING AYE</b>		<b>MEMBERS VOTING NO</b>		<b>MEMBERS ABSTAINING MEMBERS ABSENT</b>	
<b>STAFF RECOMMENDATION (PRIOR TO HEARING)</b>					
<b>SPEAKERS*</b>		<b>PETITIONS</b>		<b>LETTERS</b>	
(O)	(F)	(O)	(F)	(O)	(F)

\*(O) = Opponents (F) = In Favor



**VICINITY MAP**  
**SPECIAL USE PERMIT NO. 1404-(5)**

**STAFF ANALYSIS**  
**REVOCATION/MODIFICATION SPECIAL PERMIT NO. 1404-(5)**

**PROJECT NUMBER**

1404-(5)

**CASE NUMBER**

Special Use Permit No. 1404-(5)

**OVERVIEW OF PROPOSED ACTION**

On August 10, 2004, the Board of Supervisors instructed the Regional Planning Commission (Commission) to initiate modification/revocation proceedings and conduct a public hearing with respect to Special Permit Case No. 1404-(5) (Permit), which authorized the operation and maintenance of Agua Dulce Airpark (Airpark), a private commercial airport with appurtenant facilities. The modification/revocation proceedings were initiated due to pending code violations and potential adverse impacts associated with the operations and developments of the Airpark as evidenced by community complaints.

The Commission originally scheduled a community public hearing on October 23, 2004, to initiate modification and revocation proceedings of the Permit. Prior to the scheduled public hearing, the operator of the airport and community representatives requested a postponement of the public hearing to allow additional time to meet and to address community concerns. The Commission postponed the public hearing to a date uncertain. Subsequently, a public hearing has been rescheduled for January 22, 2004, to initiate modification and revocation proceedings of the Permit.

**DESCRIPTION OF SUBJECT PROPERTY**

**Location**

The subject property is located at 33638 Agua Dulce Canyon Road, in the unincorporated community of Agua Dulce, in the Soledad Zoned District. The subject property has access to Agua Dulce Canyon Road via an access driveway to the west and Darling Road to the south. The subject property is located approximately three-quarters of a mile south of Sierra Highway and approximately two miles westerly of the Antelope Valley Freeway (14).

**Physical Features**

The subject property is an irregular shaped parcel approximately 110 acres in size and located at the eastern terminus of Darling Road, on the east side of Agua Dulce Canyon Road and south of the Agua Dulce Vineyard. The topography of the site varies from flat to gently sloping mesas and step hillsides in a southeasterly direction. The subject property is currently developed with a runway, an aircraft tie-down area, thirty-nine (39) hangers (some of the hangers are in various stage of construction), a swimming pool, fuel storage and dispensing area, and a building which consists of a pilot's lounge, an office and a café. There are 62 designated parking spaces on the

subject property. The subject property is comprised of three (3) parcels, assessor parcel numbers 3213-021-017, 3213-031-002 and 3213-022-026.

**EXISTING ZONING**

**Subject Property**

Zoning on the subject property is A-2-1 (Heavy Agricultural -1 acre required area) and A-1-10,000 (Light Agricultural-10,000 square foot required area).

**Surrounding Properties**

Surrounding zoning consists of:

North: A-1-10,000

South: A-1-10,000 and A-2-1

East: A-1-10,000

West: A-1-10,000 and A-2-1

**EXISTING LAND USES**

**Subject Property**

The subject property is currently developed with a private commercial airport consisting of a runway, a swimming pool, thirty-nine (39) hangers, sixty-two (62) parking spaces, fuel storage and dispensing area; and a building which includes an office, a pilot's lounge and a café. Also, an aircraft tie-down area is located along the northerly boundary of the runway.

**Surrounding Properties**

Surrounding land uses consist of:

North: Single-family residences and vacant properties.

South: Single-family residences and vacant properties.

East: Single-family residences and vacant properties.

West: Single-family residences and vacant properties.

**COUNTYWIDE GENERAL PLAN**

The subject property is designated as Airport (AP) and Non-Urban 1 (N1) in the Land Use Policy map of the Santa Clarita Valley Area Plan (SCVAP). Approximately eighty-five (85) acres of the southeasterly quadrant of the subject property, encompassing the runway and appurtenant structures, are within the Airpark land use classification. The remaining undeveloped area located along the northwesterly and southerly property

boundary is within the Non-Urban 1 land use classification. The SCVAP does not have any development policies pertaining to the Airpark land use designation. However, the SCVAP land use policy map does distinguish the airport as an existing facility. The Countywide General Plan depicts the property with a Public and Semi-Public Facilities land use designation which includes airports and other major transportation facilities. The Los Angeles County Airport Land Use Plan also recognized the subject property as an airport. The continued operation of the airport would be consistent with the land use classifications of the SCVAP, as supplemental plans further specify this use as consistent. Text of the 1991 adopted Los Angeles County Airport Land Use Plan pertaining to the Airpark has been included as an attachment to this report (**Attachment A**).

### **BACKGROUND**

The Commission initially approved Special Permit No. 1352 (SP 1352) on September 2, 1958. The permit authorized the use of the subject property for a private commercial airport. SP 1352 had a 20-plane storage capacity and a 10-year termination period.

Subsequently, the property owner requested and was granted approval of Special Permit No. 1404 (SP 1404) to authorize the expansion of the airport and modify some of the conditions of Special Permit No. 1352. On October 27, 1959, the Commission approved the expansion to allow the extension of the runway, develop additional hangars as well as a 20-room airtel with a restaurant and a pool. Additional area has been added to the Airpark as a result of the runway extension (approximately 8 acres). SP 1404 also eliminated the limitation on plane storage and the expiration of the permit (**Attachment B**). SP 1404 does not have an expiration date. The decision of the Commission was appealed to the County of Los Angeles Board of Supervisors by several community groups. The Board of Supervisors on May 24, 1960, denied the appeal and upheld the Commission's decision.

On December 1, 1964, Special Permit No. 1570 was approved by the Commission to clarify the number of aircraft to be stored at the tie-down area. In 19\_\_\_\_ the Airpark owner was notified by the Department of Regional Planning that Special Permit No. 1570 was considered invalid because the provisions of Special permit 1570 was not exercised within time limitation of the permit (**Attachment C**).

### **Special Permit No. 1404-(5) Project Description**

As authorized under SP 1404-(5), the applicant established a private commercial airport on the subject property. The Permit authorized the airport with incidental facilities to serve propeller-driven aircraft. As indicated on the approved Exhibit "A" dated June 12, 1961, the airport is authorized the following developments:

- A 5,000-foot long runway
- An aircraft tie-down area (approximately 250,000 square feet)
- Fifty-five (55) 30'x40' or 40'x50' storage hangars

- Four (4) 90'x100' service hangers
- Two (2) 120'x150' maintenance hangers
- A 2,400-square foot building for a flight school
- A 2,400-square foot utility building
- A 3,150-square foot lounge and café
- A 1,500-square foot manager's house
- A fuel storage area with a 600-square foot office and shop
- One(1) caretaker trailer and a water pump
- One (1) 20-unit airtel with a pool, a restaurant and a parking area

In summary, SP 1404 authorized 110,000 square feet of hanger space for aircraft storage, 72,000 square feet of hanger space for aircraft maintenance and an aircraft tie-down area. The Permit also allows uses such as a flight school (two-planes only), an emergency landing field, aircraft repair shops (excluding engine overhaul), storage for aircraft parts and temporary airfield for aircrafts used for safety related activities such as fire fighting. The Permit restricts the facility to light propeller driven aircrafts only, limits aircraft parts to be stored within the hangers, requires damaged aircraft parts to be removed within thirty (30) days; and prohibits aircraft wrecking, dangerous and acrobatic flying and parachute jumping..

There have been three (3) Revised Exhibit "A"s approved on the subject property since the approval of SP 1404 which are in conformance with the original Exhibit "A". A Revised Exhibit "A" was approved in December 13, 1987, for the construction of twenty (20) hangers along the northerly perimeter of the runway. This exhibit depicts the location of the new hangers and all the existing improvements of the airport comprised of hangers located at the western end of the runway, a caretaker mobile home, a café, two fuel pumps and an aircraft tie-down area along the northern perimeter of the runway.

A Revised Exhibit "A" was approved on September 27, 2003, a swimming pool, a parking area and a 600-square foot expansion to a utility building/hanger. This exhibit shows the location of the pool, utility building/hanger and parking area. The location of all existing development is also depicted. The pool was built prior to the approval of this Revised Exhibit "A" but originally shown appurtenant to the airtel on the 1961 Exhibit "A."

A Revised Exhibit "A" was approved in October 31, 2003, depicting the location of a 20-unit airtel and nine (9) 50'x60' hangers. . However, the approved Revised Exhibit "A" did not reflect the original aircraft tie-down area.

The operator of the Airpark filed a Revised Exhibit "A" on May 27, 2004, to permit the construction of additional storage and maintenance hangers in accordance with the development authorized by SP 1404. This exhibit shows the location of the proposed

aircraft tie-down area, new hangers and all existing improvements. The status of this request is pending the outcome of the revocation/modification proceeding.

### **Enforcement Action**

The Department of Regional Planning Zone Enforcement Section has opened an enforcement file from 2000 to present on the subject property. Violations on the subject property have included:

- Building a swimming pool without a permit.
- Serving alcohol without a permit in the café.
- Charging membership for the use of the swimming pool and operating a private recreational club without a permit.
- Hosting special events without an approved temporary use permit.
- Illegal banners without a sign program.
- Grading for a new aircraft tie-down area without a permit.
- Height of new hangers not in substantial conformance to the approved Revised Exhibit "A".
- Continued grading and construction despite Stop Work notices from Building and Safety and the Fire Department.
- Numerous complaints from neighbors regarding noise and low flying aircrafts.
- Complaints from neighbors regarding excessive special events and filming activities. Stunt flying and parachute jumping

The Department of Regional Planning has obtained an outside consultant to monitor the Airport on a regular basis. A complete report of Zone Enforcement's actions and inspection summary has been included as an attachment to this report (**Attachment D**).

### **Agency Responsibility**

Although Agua Dulce Airpark is authorized under SP 1404, the following agencies also regulate airport related activities:

Agency	Responsibility
Federal Aviation Administration (FAA)	The control of airspace and for certifying both pilots and the airworthiness of aircraft.
California Department of Transportation, Division of Aeronautics	Funding, licensing, and permitting programs for the Agua Dulce Airpark. The Agua Dulce Airpark currently holds a Public-Use Airport Permit issued by the California Department of Transportation.
Los Angeles County Department of Public Works Aviation Division	Administering the operation of County owned airports and review proposals for new airports. In addition, the Division also functions as a liaison between the County and the aeronautical industry and organizations.
Airport Land Use Commission (ALUC)	To coordinate planning for the areas surrounding public use airports within Los Angeles County and prepare and adopt a Comprehensive Land Use Plan.



**Current Operations**

The applicant's pending Revised Exhibit "A" shows 110,000 square feet storage area and 72,000 square feet service and maintenance area. This proposal is similar in scale and magnitude to the original 1961 approved Exhibit "A" of SP 1404. However, the Airpark has yet to fully utilize the authorized expansion of the Permit. The amount of hanger space and tie-down area determine the capacity of the Airpark, i.e., the number of aircraft which can be stored or based at the facility. Agua Dulce is considered a rural community comprised of residential development limited to one unit per two acres by the General Plan. The community has emphasized the importance of maintaining the rural character of the area; and has expressed concerns related to growth and associated impacts on the limited groundwater supplies in the area. Many residents of the Agua Dulce community have expressed dismay regarding the operation of the airport, and complain that SP 1404 did not specifically address the impacts to the community by the expansion SP 1404 authorized. It should be noted that the approval of the SP 1404 preceded the enactment of current environmental laws including the California Environmental Quality Act (CEQA).

The proprietor of the Airpark has extensively promoted the facility for film production, special events such as fundraisers, community meetings, air and auto shows. Also, fee memberships to the airport's recreational facilities were offered to the general public. As stated, SP 1404 did not give the Airpark specific guidelines under which to operate the Airpark. The following chart shows filming activities conducted on the subject property since 1997.

**Filming Activities for Agua Dulce Airpark**

Year	# of Filming Days	# of Filming Permits
2004 (1/23 to 9/23)	18	17
2003	22	16
2002	25	23
2001	28	14
2000	38	18
1999	20	12
1998	49	29
1997	30	25

The Los Angeles County Code ("County Code") defines airport as "any area of land or water which is used or intended to be used for the landing and taking off of aircraft and any appurtenant area used or intended to be used for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon." The County Code also permits accessory or appurtenant use as "use customarily incidental to, related and clearly subordinate to a principal use established on the same lot or parcel of land, which accessory use does not alter said principal use

nor serve property other than the lot or parcel of land on which the principal use is located."

SP 1404 authorized the establishment of an airport with appurtenant facilities as depicted on the approved Exhibit "A". However, the Permit did not place restrictions on the number of based aircraft or limit the use of the airport for special events and the operating hours of other airport related facilities such as the café and the airtel. The enforcement staff has identified a series of violations of County codes and regulations at the subject property; it appears SP 1404 will require additional conditions to help limit or preclude further violations in the future.

#### **LEGAL NOTIFICATION/COMMUNITY OUTREACH**

Hearing notices were mailed to the 113 property owners within a 1,000-foot radius of the subject property on December 16, 2004. Case materials were mailed to Canyon Country Jo Anne Darcy County Library on December 16, 2004. Advertisements were published in La Opinion and Acton Agua Dulce Weekly News on December 20, 2004. Public hearing notices were posted at the project site on December 21, 2004.

#### **PUBLIC COMMENTS**

Staff is in receipt of eighty (80) letters and e-mails in opposition to the Airpark. The letters are from local residents and community groups who express concerns that the applicant has not complied with the conditions of the Permit. The letters further state that there should not be any new construction and additional airport related activities authorized on the site due to potential adverse impacts such as excessive noise, decreased property values, water usage, impacts of increased aircraft and automobile traffic generated from the subject property. A sampling of the correspondence has been included as attachment to this report (**Attachment E**). Many verbal and written complaints received by Zoning Enforcement involved air traffic, special events and filming activities held on the property and construction without proper County approval.

Staff received approximately 3,500 written correspondence in support of the Airpark from local residents, airport patrons, film and aeronautic organizations. As an example, some of the testimonials have been included as an attachment to this report (**Attachment F**).

Pursuant to the Fifth Supervisorial District's suggestions, the applicant has been meeting with the representatives of the Agua Dulce community to address concerns raised by local residents. However, correspondence from the community, the Agua Dulce Town Council, the Agua Dulce Civic Association and the Concerned Citizens of Agua Dulce (Community Groups) express the opinion that the airport representatives have not been working in good faith to address the concerns of the community (**Attachment G**). The applicant has retained a new representative to meet with the community to reach an agreement and/or consensus regarding the operation and development of the Airport. The applicant's representative has met with the Community

Groups on several occasions to address the concerns of the community and provide comprehensive solutions to specific issues. Correspondence and comments from the representative regarding these meetings have been included as an attachment to this report (**Attachment H**).

The Agua Dulce Civic Association in their correspondence has indicated that the Airport has violated the conditions of approval for SP 1404 and expansions of its facility will impose significant impacts to the community. Corrective measures and modifications to the SP 1404 are necessary to safeguard the welfare of local residents. Their concerns and issues regarding the operation of the airport are included as an attachment to the report (**Attachment I**).

The Concerned Citizens of Agua Dulce also submitted documents to the Commission pertaining to their concerns and issues relating to the Airport. The community group stated that the impacts generated by the Airport and its expansion have significantly impaired the quality of life of the community and request that the Commission to revoke SP 1404 (**Attachment J**). Supplemental materials (i.e. photos, DVDs and letters) from this community group may be provided in the next Commission package.

#### **AGENCY COMMENTS**

Staff has contacted the California Department of Transportation, Division of Aeronautics. A representative from this agency will attend the hearing and address issues relating the State's role in overseeing the Airpark. The Department of Regional Planning has requested the Entertainment Industry Development Corporation (EIDC) to attend the public hearing to address issues involving filming permits in Los Angeles County. EIDC has not confirmed regarding its participation of the public hearing at the time of this report.

#### **REVOCATION/MODIFICATION PROCEDURES AND REQUIRED FINDINGS** **County Code Sections 22.56.1780**

After a public hearing as provided for in Part 13 of Section 22.56 of the County Code, the Commission may revoke or modify any nonconforming use, or revoke or modify any permit, variance or other approval which has been granted by the hearing officer, the Board of Supervisors or the Commission, pursuant to either the provisions of this Title 22 or of any ordinance superseded by this title on any one or more of the following grounds:

- A. That such approval was obtained by fraud;
- B. The use for which such approval was granted is not being exercised;
- C. 1. That the use for which such approval was granted has ceased or has been suspended for one year or more;  
2. This subsection does not apply to a surface mining operation;
- D. Except in the case of a dedicated cemetery, that any person making use of or relying upon the permit, variance or other approval is violating or has violated any conditions of such permit, variance or other approval, or that the use for

which the permit, variance or other approval was granted is being, or recently has been, exercised contrary to the terms or conditions of such approval or in violation of any statute, ordinance, law, or regulation;

- E. Except in the case of a dedicated cemetery, that the use for which the approval was granted is so exercised as to be detrimental to the public health or safety, or so as to be a nuisance;
- F. In all cases where the Director determines that it is in the public interest or where the Board of Supervisors, either individually or collectively, requests, a public hearing shall be scheduled before the Commission. In such case all procedures relative to notification, public hearing and appeal shall be the same as for a conditional use permit. Following a public hearing the Commission shall approve or deny the proposed modification and/or revocation, based on the findings required by this section.

**PENDING CONDITIONAL USE PERMIT AND EXPIRED TENTATIVE TRACT MAP**

Prior to this revocation/modification proceeding being initiated, Conditional Use Permit No. 03-351-(5) was submitted by the operator of the Airpark on November 10, 2003, to authorize the operation and maintenance of a private recreation club on the subject property. This permit is currently pending and has not been scheduled for public hearing.

Vesting Tentative Tract Map No. 51777 was approved by the Commission on January 4, 1995 to create nineteen (19) single-family lots on 190 acres. The Airpark property was part of the proposed subdivision. The approval of the tentative map expired on January 4, 2002.

**STAFF EVALUATION**

Based on the enforcement records, and input from area residents and property owners, staff suggests that the Commission consider modification to the conditions of SP 1404 with regard to but not necessarily limited to the following areas:

- Limit the number of special events permitted per year to a maximum of four (4). Specific activities of the special events are subject to the preliminary review of the Agua Dulce Town Council and the Department of Regional Planning.
- Limit the filming activities to no more than twenty (20) days or twenty (20) permits per year. Restrict night-time filming activities at the airport to reduce noise and glare related impacts.
- Impose a regular inspection schedule on the facility to ensure compliance.
- Consider a termination period of the existing grant if the applicant is not in compliance with the conditions of grant.

- Limit certain airport activities such as the café and maintenance facility (Monday through Sunday) to 8:00 a.m. to 5:00 p.m.
- The conditions of approval further define appurtenant uses permitted on the subject property.
- Establish whether airport facilities may be used by community groups or local residents, or exclusively for patrons of the Airport.
- Determine an appropriate number of base aircraft and storage hangers at the Airpark.
- Consider requesting the Airpark to restrict nighttime takeoffs and landings to minimize disturbance to local residents.
- Monitor the air traffic activity of the Airpark by requiring the operator of the Airport to keep a log of all aircraft takeoffs and landings at the Airpark.
- Establish a threshold for aircraft storage in the hangers and the tie-down area.
- Consider requesting the operator of the Airpark to obtain a Special-Use Airport permit from the California Department of Transportation.
- Obtain necessary permits and approval from the Department of Public Works, the Fire Department and the Department of Regional Planning.
- Require the owner/operator of the Airpark to meet regularly with representatives of Agua Dulce community to address concerns relating to the operation of the facility and the scheduling of special events.

**STAFF RECOMMENDATION**

Prior to taking an action on this case, Staff recommends the Commission consider the facts, analysis and correspondence contained in this report along with the oral testimony and/or written comments received during the public hearing.

**SUGGESTED MOTION:** "I move that the public hearing be closed and that the Regional Planning Commission indicate its intent to approve modification to Special Use Permit No. 1404-(5) with the modifications recommended by staff and instruct staff to prepare the final environmental documentation and findings and conditions for approval."

In the event that the issues of this project cannot be satisfactorily addressed through modification of SP 1404 and it would be appropriate to revoke rather than modify the special permit. Staff recommends the following motion:

**SUGGESTED MOTION:** "I move that the public hearing be closed and that the Regional Planning Commission indicate its intent to approve revocation to Special Use Permit No. 1404-(5) instruct staff to prepare the final environmental documentation and necessary findings for approval."

Report prepared by Samuel Dea, Principal Regional Planning Assistant  
Reviewed by Russell J. Fricano, Ph.D., AICP, Supervising Regional Planner

Attachments:

Copy of Thomas Brothers Map

Draft Conditions

Attachments A - J

Photographs

Land Use Map

GIS maps

Site Plan (Revised Exhibit A" dated 6-12-61, 12-13-87, 9-27-03 & 10-31-03)

FM:RJF:SZD



**SPECIAL PERMIT NO. 1404-(5)  
REVOCATION AND MODIFICATION  
DRAFT CONDITIONS**

**PAGE 1 OF 8**

1. This grant authorizes the use of the subject property for a private commercial airport with appurtenant uses and buildings as depicted on the approved Exhibit "A" subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition No. 10.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
  - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Section 2.170.010 of the Los Angeles County Code.



**SPECIAL PERMIT NO. 1404-(5)  
REVOCATION AND MODIFICATION  
DRAFT CONDITIONS**

**PAGE 2 OF 8**

6. This grant shall expire unless used within 3 months from the date of approval.
7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee, as applicable, of the subject property.
9. The Director of Planning shall evaluate the applicant's compliance with the conditions of approval two (2) years after the effective date of this grant. The permit shall be extended to \_\_\_\_\_. If the permittee is found to be in compliance with the conditions of approval. If the applicant is found not to be compliance with the conditions of this grant a revocation/modification public hearing shall be held before the Regional Planning Commission in accordance with Section 22.60.174 of the County Code. The applicant shall pay all fees associated with such hearing.

Upon the termination of this grant, entitlement to the use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six months prior to the termination date of this grant, whether or not any modification of the use is requested at that time.

10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **\$1,200.00**. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the site plan on file. The fund provides for **eight (8) inspections to be conducted every three (3) months**. The applicant shall deposit the sum of \_\_\_\_\_ to provide for \_\_\_\_ biannual inspection, if this grant is extended pursuant to Condition No. 9. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible for and shall reimburse the Department of Regional Planning for all additional inspections and for

**SPECIAL PERMIT NO. 1404-(5)  
REVOCATION AND MODIFICATION  
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any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150.00 per inspection).

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
12. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said bureau.
13. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
14. The subject property shall be developed and maintained in compliance with the requirements of the Los Angeles County Department of Health Services. Adequate water and sewage facilities shall be provided to the satisfaction of said department.
15. All structures shall comply with the requirements of the Divisions of Aviation and Building and Safety of the Department of Public Works and the Division of Aeronautics of the California Department of Transportation.
16. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization. In the event such extraneous marking occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such marking shall be of a color that matched, as closely as possible, the color of the adjacent surfaces.
17. Within thirty (30) days of the approval date of this grant, the permittee shall submit to the Director for review and approval three (3) copies of revised plans, that depict all project changes required by these conditions of approval, including the following: 1) the use and size of all existing buildings, 2) provide the property description of the airport boundary prepared by a licensed surveyor or civil engineer, and 3) depict the

**SPECIAL PERMIT NO. 1404-(5)  
REVOCATION AND MODIFICATION  
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**PAGE 4 OF 8**

dimensions of all airport improvements such as hangers, access driveways, runway and tie-down area. The subject property shall be developed and maintained in substantial compliance with the approved Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit three (3) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner.

18. Within thirty (30) days of the approval date adherence to development in accordance with the site plan on file of this grant, the permittee shall submit to the Director for review and approval three copies of a landscape plan, which may be incorporated into the revised Exhibit "A" described above. The landscape plan shall show the size, type, and location of all plants, trees, and watering facilities. The permittee shall maintain all landscaping in a neat, clean and healthy condition, including proper pruning, weeding, litter removal, fertilizing and replacement of plants when necessary. Watering facilities shall consist of a permanent water-efficient irrigation system, such as "bubblers" or drip irrigation, for irrigation of all landscaped areas except where there is turf or other ground cover.
19. Within thirty (30) days of the approval date of this grant, the permittee shall submit to the Director for review and approval three (3) copies of sign plans depicting all existing and proposed signs on the subject property.
20. All material graded shall be sufficiently watered to prevent excessive amounts of dust during the construction phase. Watering shall occur at least twice daily with complete coverage, preferably in the late morning and after work is done for the day. All clearing, grading, earth moving or excavation activities shall cease during periods of high winds (i.e. greater than 20 mph averaged over one hour) to prevent excessive amounts of dust. Any materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.
21. Project construction activity, including engine warm-up, shall be limited to those hours between 7:00 a.m. and 6:00 p.m. Monday through Friday and 8:00 a.m. and 5:00 p.m. Saturday. All stationary construction noise sources shall be sheltered or enclosed to minimize adverse effects on nearby offices and residences. Generators and pneumatic compressors shall be noise protected in a manner that will minimize noise effects to adjacent residences. Parking of construction worker vehicles shall be on-site and restricted to areas buffered from residences located to the south and east of the subject property.
22. The permittee shall comply with all applicable regulations of the Aviation Division of Los Angeles County Department of Public Works, the California Department of Transportation Division of Aeronautics and the Federal Aviation Administration.

**SPECIAL PERMIT NO. 1404-(5)  
REVOCATION AND MODIFICATION  
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**PAGE 5 OF 8**

23. All obstruction marker, wind cone, traffic directional indicator and other appurtenant structures and equipments necessary for the safety of the airport as required by the Federal Aviation Administration and the California Department of Transportation Division of Aeronautics shall be subject to the approval of the Department of Public Works Division of Aviation.
24. The permittee shall submit a drainage concept or plan to be reviewed and approved by the Department of Public Works for the issuance a grading permits for the graded area located at the west end of the runway and adjacent to the southerly property boundary. The permittee shall remove the paving over said area if the Department of Public Works determines such corrective measure is necessary to restore the drainage course.
25. The permittee is authorized to have no more than four (4) special events per calendar year on the subject property. The activities of each special event are subject to the preliminary review of the Agua Dulce Town Council and the approval of the Director of Planning.
26. Filming activities on the subject property shall not occur no more than \_\_\_\_\_ days or \_\_\_\_\_ permits per year. Restrict night-time filming activities at the airport to reduce noise and glare related impacts. \_\_\_\_ hours advance notice regarding all filming activities at the subject property shall be provided to adjacent property owners and residents of the airport and other local residents who request such notification. Outdoor night-time filming at the subject property shall be limited to \_\_\_\_\_ days or permits per year. Lighting facilities utilized by filming crews during night shoots shall be shielded from neighboring residences within view of such filming activity to prevent glaring.
27. The height of the all buildings and hangers shall not exceed \_\_\_\_ feet above finished grade.
28. This grant modifies the the following uses on the subject property:
  - a. # storage hangers not exceeding \_\_\_\_ square feet each;
  - b. # of service hangers not exceeding # square feet each;
  - c. An aircraft tie-down area for # of aircrafts; and
  - d. A # square foot lounge and café.

**SPECIAL PERMIT NO. 1404-(5)  
REVOCATION AND MODIFICATION  
DRAFT CONDITIONS**

**PAGE 6 OF 8**

29. The use and maintenance of the airport shall be further subject to all of the following restrictions:
- a. The airport is limited to propeller driven aircraft (including helicopters) not exceeding twin motors and \_\_\_\_\_ pounds in weight;
  - b. The airport may serve as an emergency landing field for all aircrafts and a staging area for government aircrafts used for purposes such emergency rescue and fire fighting;
  - c. A minimum of 62 on-site parking spaces shall be provided and continuously maintained, including two (2) spaces reserved for persons with disabilities, one (1) of which shall be van-accessible;
  - d. The runway shall be paved maintained in accordance to the guidelines of the Federal Aviation Administration and the California Department of Transportation Division of Aeronautics;
  - e. Vehicular access within the subject property shall be provided to the Satisfaction of the Los Angeles County Fire Department;
  - f. This grant does not authorize the use of the subject property for a private recreational facility;
  - g. All designated parking area shall be paved in accordance with Section 22.56.1060 of the County Code;
  - h. The permittee shall post signs indicating the maximum speed limit of 5 miles per hour throughout the parking area and driveways;
  - i. The permittee shall provide adequate on-site parking for special events at the facility. Designated areas allocated for special events parking shall be depicted on the approved Exhibit "A";
  - j. The required parking spaces shall be continuously available for vehicular parking only and shall not be used for storage, automobile or truck repair, or any other unauthorized uses;

**SPECIAL PERMIT NO. 1404-(5)  
REVOCATION AND MODIFICATION  
DRAFT CONDITIONS**

**PAGE 7 OF 8**

- k. All outdoor trash containers shall be covered and all trash enclosure areas shall be screened from public and private view corridors by landscaping, berms, compatible structures or walls, or a combination of these;
- l. All parking lot and other exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off within thirty (30) minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot and hangers;
- m. Within thirty (30) days of the approval date of this grant, the permittee shall submit to the Director for review and approval three copies of a lighting plan, which may be incorporated into the revised Exhibit "A" as described above. The lighting plan shall show the locations, types, and heights of all proposed pole and wall mounted lighting;
- n. Except for special events with a temporary alcoholic beverage permit issued by the State of California Department of Alcoholic Beverage Control, the sale of alcoholic beverages at the airport is prohibited unless a separate conditional use permit is approved pursuant to 22.56.195;
- o. Except for the storage hangers and the aircraft service facility, the operating hours for all uses in the airport are restricted to the hours between 8:00 a.m. to 5:00 p.m. Monday through Sunday;
- p. Operating hours for the aircraft service facility are restricted to the hours between 9:00 a.m. to 5:00 p.m., Monday through Saturday, the service facility shall be closed on Sundays;
- q. All deliveries to the subject property shall also be within these operating hours;
- r. The service facility at the airport shall not provide major engine overhaul or testing of engines removed from aircrafts;
- s. Except for fueling, all aircraft repair and service activities shall be conducted within the service facility only;
- t. Outside storage of construction, building and aircraft materials, including inoperable vehicles and aircrafts, is prohibited on the property. All aircraft parts and aircrafts undergoing repair or service shall be stored within an enclosed hanger; and

**SPECIAL PERMIT NO. 1404-(5)  
REVOCATION AND MODIFICATION  
DRAFT CONDITIONS**

**PAGE 8 OF 8**

- u. The permittee shall maintain a current contact name, address, and phone number with the Department of Regional Planning at all times.
- 30. This grant modifies the terms of the Special Permit 1404 as stated herein. Any and all remaining terms of the Special Permit 1404 shall remain in full force and effect. If there is any conflict between the terms of Special Permit 1404 established in 1959 and this grant, the terms set forth herein shall govern.

RJF:SZD

# ATTACHMENT A

## II. AIRPORTS IN LOS ANGELES COUNTY

The FAA defines three broad categories of aviation activity: general aviation, certified air carrier, and military. The CLUP applies only to the first two categories; military airports are exempt.

Los Angeles County has eleven general aviation airports, defined by FAA as an airport that enplanes less than 2500 annual passengers, is used exclusively by private and business aircraft and does not provide commercial air carrier passenger service, and four scheduled air carrier airports. U.S. Force Plant 42 is an existing military airport which is presently allowing limited commercial air carrier service through agreement with the Los Angeles Department of Airports and is included only as Palmdale Regional Airport, not a military airport.

The following list presents an overview of Los Angeles County's airports:

### AGUA DULCE SKYPARK

33638 Agua Dulce Canyon Road  
Saugus, California 91350

Agua Dulce Skypark is a privately owned and operated general aviation airport that was established in 1960. The facility is 200 acres in total size and has 100 based aircraft. The average daily traffic count is 35 operations. The runway is 5,000 feet long, unlighted, and can only accept aircraft under 12,500 pounds. Hours of operation are limited to 8:00 am to 6:00 pm, no night landings.

The airport is located on a site with limited expansion potential. Also, recent development pressures in the Agua Dulce area have resulted in many questions concerning the continued operation of this airport. ALUC jurisdiction ceases when the State Airport permit for a facility is revoked (Section 21668 of State Aeronautics Act).

Surrounding land use is predominately undeveloped.

No Master Plan has been completed for this airport.

### BRACKETT FIELD

1615 Mc Kinley Avenue  
La Verne, California 91750

Brackett Field began its existence as a dirt strip graded out of a wheat field in the mid 1930's. The field was opened as an approved airport on October 15, 1940. In the late 1940's, the facility was recommended as a primary site for development of a major private airport. In 1955, 170 acres were acquired by Los Angeles County and in 1958 Brackett Field was dedicated as a Los Angeles County airport.

Brackett Field is a general aviation airport with 276 acres of aviation property and 492 based aircraft. The facility has a traffic count of 641 operations per day which involve private and business flights. Aircraft utilizing the field range from single engine trainers to Learjets. The runway is 4,800 feet long and unlighted.

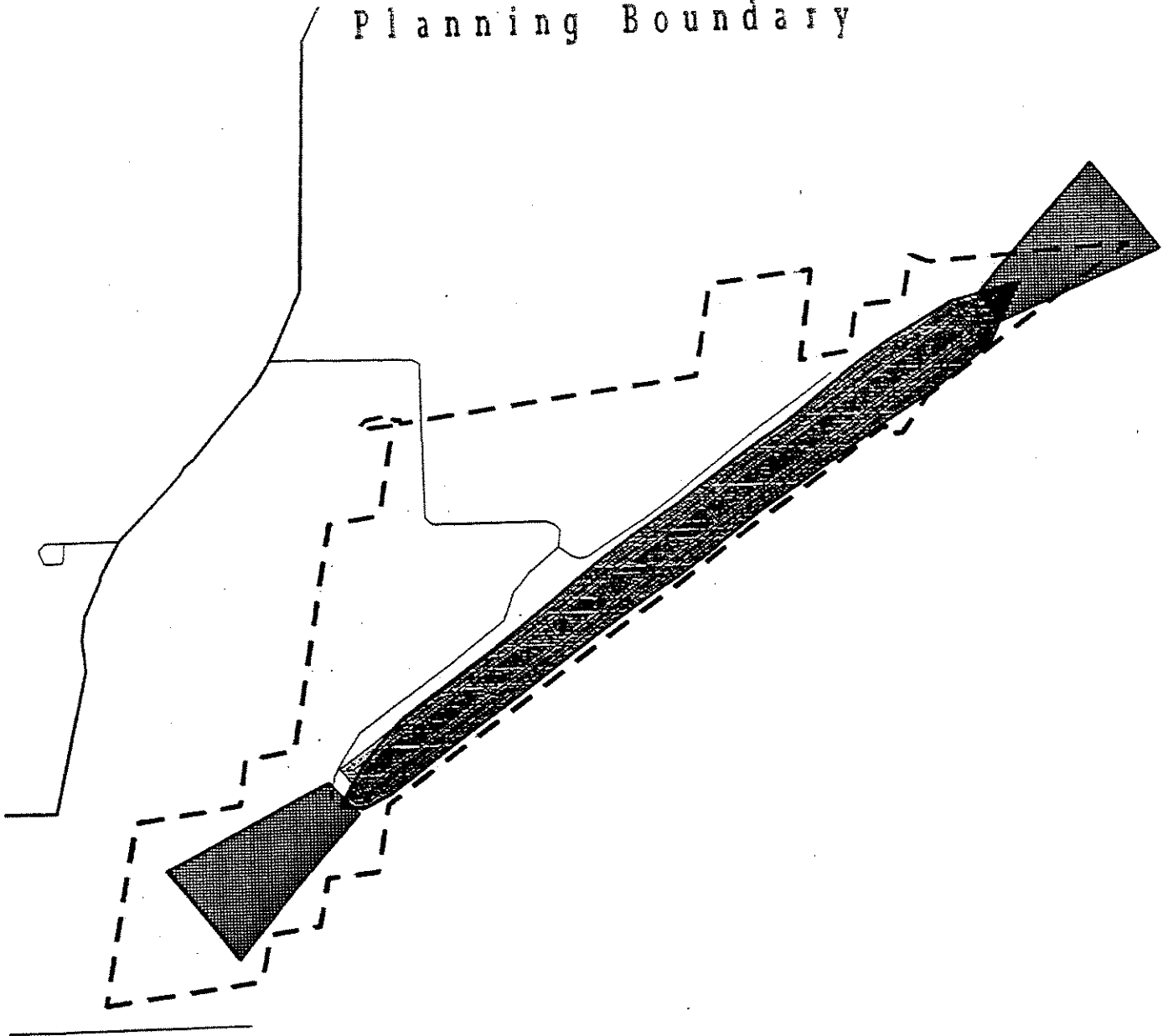
It is stated in the 1990 Airport Master Plan that the present state of development has reached a point where the capacity to accommodate existing and additional demand is impaired. The forecasts included in the plan show an estimated 620 based aircraft and 282,950 annual operations by 2010.

The surrounding land uses are industrial and recreational.







# AGUA DULCE AIRPORT

## Planning Boundary



### LEGEND:

-  AIRPORT BOUNDARY
-  AIRPORT AREA OWNERSHIP
-  RPZ
-  70 CNEL

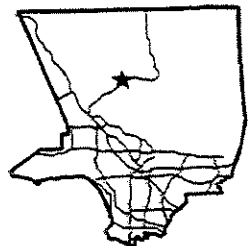


LOS ANGELES COUNTY  
Department of Regional Planning  
320 W. Temple St.  
Los Angeles, CA 90012

For map production  
call (213) 974-6476.



### KEY MAP:



## ATTACHMENT B

MILTON BREIVOGEL  
DIRECTOR OF PLANNING  
FRED M. GEBHART  
CHIEF DEPUTY DIRECTOR

### COUNTY OF LOS ANGELES THE REGIONAL PLANNING COMMISSION

108 WEST SECOND STREET  
MADISON 8-9211  
LOS ANGELES 12, CALIFORNIA

October 28, 1959

#### COMMISSIONERS

ARTHUR J. BAUM  
CHAIRMAN

LOUIS KANASTER  
VICE-CHAIRMAN

ALSON E. ABERNETHY  
MRS. L. S. BACA  
ZELL F. HAREHTON

IRMA RUTHER  
SECRETARY TO THE COMMISSION

Certified Mail -  
Return Receipt Requested

Agua Dulce Air Park  
33618 Agua Dulce Canyon Road  
Saugus, California

Attention: Errol Williams and Robert W. Lillibridge, Partners

Gentlemen:

Subject: Special Permit Case No. 1404-(5)  
Airport and appurtenant facilities  
Soledad Zoned District

The special permit granted by the Regional Planning Commission at its meeting on October 27, 1959, in the above numbered case is enclosed. This permit is for property located approximately 1000 feet northeasterly of the intersection of Agua Dulce Canyon Road and Darling Road in the Soledad Zoned District.

Your attention is called to the following:

1. Paragraph 14 of the decision relating to acceptance by the owners of the conditions of the permit.
2. That all setback and other requirements of the A-1-10,000 and A-2-1 zones, in which this property is located, must be complied with unless specifically set forth and itemized in the permit.
3. That there is a period of fifteen days following your receipt of this letter during which this decision may be appealed to the Board of Supervisors by a written communication and deposit of the amount necessary to cover the cost of preparing a transcript

Agua Dulce Air Park

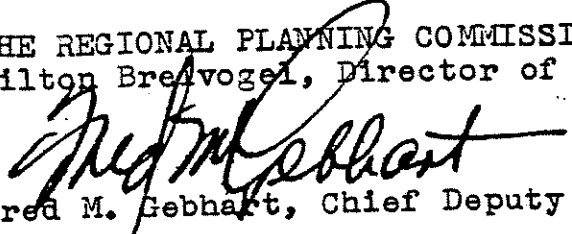
- 2 -

October 27, 1959

of the proceedings before the Regional Planning Commission. Caution should be exercised in making any expenditures under the permit during this period.

Very truly yours,

THE REGIONAL PLANNING COMMISSION  
Milton Breivogel, Director of Planning

  
Fred M. Gebhart, Chief Deputy Director

DMF:cs

c.c. - Building & Safety Division  
Chf Clk Bd of Spvrs

Mr. Glenn R. Watson,  
Attorney at Law  
633 Title Insurance Building  
433 South Spring Street  
Los Angeles 13, California

Mr. Colin Stewart  
32801 Agua Dulce Canyon Road  
Saugus, California

Mr. George Goldman, Attorney  
316 East Palmdale Boulevard  
Palmdale, California

Mr. John A. Lambie  
County Engineer and  
Director of Aviation  
of Los Angeles County  
Attention: Mr. H. Arthur Hook  
Chief, Aviation Division  
108 W. Second Street, Rm. 700  
Los Angeles, California

California Aeronautics Commission  
Attention: Mr. Clyde P. Barnett  
Director of Aeronautics  
6151 Freeport Boulevard  
Sacramento, 22, California

Federal Aviation Airport Division  
5651 West Manchester Avenue  
Los Angeles 45, California

Mr. A. B. Osterhues  
Dept. of County Engineer  
Construction & Storm Drain Division  
253 S. Broadway, Room 512

SPECIAL PERMIT CASE NO. 1404-(5)

The Regional Planning Commission of the County of Los Angeles grants a Special Permit, under the provisions of Ordinance No. 1494, so as to permit the following described property:

102.5 acres, commencing south 15 chains from the northeast corner of Section 23, Township 5 North, Range 14 West, S.E.B. & M.; thence west 5 chains; thence south 5 chains; thence west 5 chains; thence south 5 chains; thence west 5 chains; thence south 5 chains; thence west 10 chains; thence south 5 chains; thence west 15 chains; thence south 5 chains; thence west 15 chains; thence south 15 chains; thence west 5 chains; thence south 5 chains; thence east 10 chains; thence south 10 chains; thence east 5 chains; thence north 10 chains; thence east 5 chains; thence north 5 chains; thence east 10 chains; thence north 5 chains; thence east 5 chains; thence north 5 chains; thence east 10 chains; thence north 5 chains; thence east 5 chains; thence north 5 chains; thence east 5 chains; thence north 5 chains; thence east 5 chains; thence north 5 chains; thence east 5 chains; thence north 15 chains to point of beginning,

to be used to enlarge, operate and maintain an existing private commercial airport and to modify some of the conditions of Special Permit Case No. 1352, under the following conditions:

1. That two copies of a revised plot plan incorporating such of the following conditions as may be shown on a plan be submitted for approval of the Director of Planning. (Note: This will establish the location of the hangars and the airtel);

2. That the landing strip, including the 1000 foot extension, and the taxi strip, shall be paved with asphalt, concrete or macadam type of surfacing;

3. That all areas used by automobiles shall be paved with asphalt, concrete or macadam type of surfacing;

4. That the roadway leading from the nearest public highway to subject property be paved with an asphaltic, concrete or macadam type of surfacing and continuously maintained in good condition;

5. That subject property shall be limited to the following uses:

a. Airport for pleasure and executive type aircraft not exceeding light twin motors in weight and by heavier types not exceeding 30,000 pounds total weight; such heavier types shall not exceed 15 percent of the annual takeoffs and landings at this airport;

b. Airtel with a total capacity of 20 units;

c. Aircraft school not to exceed 2 training planes at any one time and limited to Fridays, Saturdays and Sundays between the hours of 8:00 a.m. and 4:00 p.m.;

SPECIAL PERMIT CASE NO. 1404-(5)

- d. Emergency landing field;
  - e. Those governmental uses, such as aircraft used for fire fighting purposes, necessary for maintaining the general welfare;
  - f. Major repairs but not including heavy engine overhaul nor the testing of engines removed from aircraft;
  - g. Storage of aircraft parts within the hangars only;
6. That the hangars be constructed of new material and be painted a neutral grey-green color to blend with the surrounding area;
7. That there is no wrecking of aircraft, and only such storage of damaged aircraft as is necessary for removal; such time shall not exceed 30 days;
8. That obstruction markers of a type and at locations to be approved by the Director of Aviation of Los Angeles County, be erected along the northerly border of subject property;
9. That a wind cone, traffic directional indicator and such other structures and equipment as may be required by appropriate governmental agencies to contribute to the safety of such airport may be constructed and used on subject property;
10. That applicant comply with all applicable regulations of the Los Angeles County Department of Aviation, Federal Aviation Agency, and the California State Department of Aviation;
11. That there be no acrobatics, parachute jumping or other form of dangerous flying conducted at this airport;
12. That this airport be limited to propeller driven aircraft;
13. That provisions be made for all natural drainage to the satisfaction of the County Engineer. Drainage plans and two signed grading plans shall be submitted to the County Engineer, Construction and Storm Drain Division, for approval, prior to grading or construction;
14. This permit shall not be effective for any purpose until the owners of the property involved have filed at the office of the said Regional Planning Commission their affidavits stating that they are aware of and accept all the conditions of this permit;
15. It is hereby declared to be the intent that if any provision of this permit is held or declared to be invalid the permit shall be void and the privileges granted hereunder shall lapse;

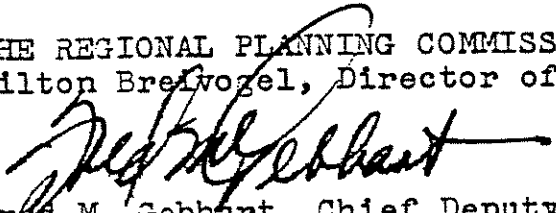
SPECIAL PERMIT CASE NO. 1404-(5)

16. It is hereby declared and made a condition of this permit that if an condition hereof is violated or if any other law, statute or ordinance is violated the permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed for a period of 30 days to do so.

This permit shall become null and void unless it is used prior to October 27, 1960.

The foregoing is the decision rendered by the Regional Planning Commission on October 27, 1959.

THE REGIONAL PLANNING COMMISSION  
Milton Breivogel, Director of Planning

  
Fred M. Gebhart, Chief Deputy Director

DMF:cs



# ATTACHMENT C



## COUNTY OF LOS ANGELES OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION  
500 WEST TEMPLE STREET  
LOS ANGELES, CALIFORNIA 90012-2713

LLOYD W. PELLMAN  
County Counsel

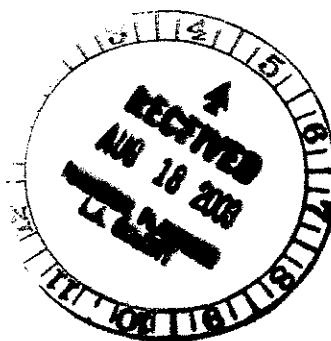
August 15, 2003

TDD  
(213) 633-0901  
TELEPHONE  
(213) 974-1834  
TELECOPIER  
(213) 617-7182  
E-MAIL  
jfries@counsel.co.la.ca.us

TO: JAMES E. HARTL  
Director of Planning  
Department of Regional Planning

FROM: *for* JUDITH A. FRIES *RAW*  
Principal Deputy County Counsel  
Public Works Division

RE: Agua Dulce Airpark



You have asked this office about a number of issues involving the operation of the Agua Dulce Airpark. Your questions concern which land use permit(s) and conditions, if any, are currently in effect and govern the operation of the Airpark and whether certain existing and proposed activities on the property require further approval from the County.

We have reviewed the documents in County files dating from 1958 to the present, as well as additional information supplied to us by the property owner and by neighboring residents and representatives of the Agua Dulce community. As discussed more fully below, we have determined that the Agua Dulce Airpark is subject to Special Permit Case No. 1404 and its conditions, numbers 1 through 16, as amended and approved by the Board of Supervisors on May 24, 1960. The Airpark is not subject to the conditions of Special Permit Case Nos. 1352 and 1570.

We have further determined that various activities have occurred on the Airpark property or have been proposed by the property owner that are prohibited or require further zoning approval, such as the use of the Airpark for other than propeller-driven aircraft; sales of alcoholic beverages; construction of a new hangar, a swimming pool, and soccer fields; proposed sales of memberships for recreational activities and facilities, including a swimming pool; use of the property for special events and filming; proposed sales of parcels that have not been legally created; display of banners and a freestanding sign; and gambling.



### APPLICABLE SPECIAL PERMIT

Your department is requiring the operation of the Agua Dulce Airpark to conform to the approved site plans and the 16 conditions contained in Special Permit Case No. 1404 (SP 1404). Members of the community have questioned whether some conditions of Special Permit Case No. 1352 (SP 1352), specifically conditions 8 and 9, survived the subsequent approval of SP 1404 and are also applicable to the use of the property.

SP 1352 was approved by the Regional Planning Commission on September 2, 1958. It authorized the use of the subject property for a private commercial airport subject to 11 conditions. Condition 8 reads, "That the number of aircraft be limited to a maximum of 20 planes to be stored at any one time"; and condition 9 reads, "That this use shall terminate on September 1, 1968."

The property owner subsequently applied for SP 1404 to enlarge the airport and modify some of the conditions of SP 1352. Specifically, the applicant asked to extend the runway, add hangars and an airtel, and modify conditions 6 through 9 of SP 1352. The requested modifications to conditions 8 and 9 were to "remove the limitation on the number of aircraft permitted" and "remove the time limit which limits the life of the permit"; in other words, the applicant was requesting the deletion of conditions 8 and 9 of SP 1352.

On October 27, 1959, the Regional Planning Commission granted SP 1404, which permitted the subject property "to be used to enlarge, operate and maintain an existing private commercial airport and to modify some of the conditions of Special Permit Case No. 1352, under the following [sixteen] conditions." Several of these 16 conditions are duplicates of conditions in SP 1352, many are modifications to conditions in SP 1352, and others are entirely new conditions. None of the 16 conditions mentions or otherwise addresses the provisions of conditions 8 and 9 from SP 1352.

We understand why some community members have concluded that conditions 8 and 9 from SP 1352 continued in effect after SP 1404 was approved, because of the express statement in SP 1404 that it modifies "some" of the conditions of SP 1352. Indeed, upon first receiving a copy of SP 1404 after it was granted, the applicant's attorney recognized this potential ambiguity and asked the County to clarify the Commission's intent. In a November 2, 1959, letter to the Director of Planning, Mr. Glenn Watson wrote,

I am concerned about possible misrepresentation of the conditions of the permit in one respect in the future as personnel familiar with the matter may be changed. As you know, the application in Case No. 1404 sought amendment of the permit so as to delete Condition 8 limiting the number of aircraft, Condition 9 for termination of the life of the permit and for amendment of certain other conditions . . . . It was apparently intended that any conditions contained in [SP 1352] and not contained in [SP 1404] are deleted and superseded. However, the new permit does not so state, and in fact expressly provides that it is "to modify some of the conditions of Special Permit Case No. 1352." The Commission's intention could be expressed by providing that [SP 1404] is an amended permit modifying the conditions of Permit No. 1352 to read as set forth in items 1 to 16, inclusive.

I trust that you will agree, upon reviewing the file, that it does not clearly appear that the new permit deletes and supersedes conditions contained in [SP 1352], although the Commission so intended.

We would appreciate your reissuing [SP 1404] . . . and notify all parties concerned prior to the expiration of the appeal period in order that there will be no question as to the Commission's action.

As requested, the Director of Planning responded by letter of November 5, 1959, and clarified the Commission's intention, using the wording suggested by Mr. Watson,

Reference is made to your letter of November 2, 1959, requesting clarification of the letter of grant stating that approval of Special Permit Case No. 1404-(5) is "to modify some of the conditions of Special Permit Case No. 1352-(5)".

The October 27, 1959, action of the Commission, approving Special Permit Case No. 1404-(5) is an amended permit modifying the conditions of Special Permit Case No. 1352-(5) to read as set forth in items 1 to 16 inclusive in the letter of grant dated October 28, 1959.

This letter makes clear that SP 1404 modified SP 1352 to read "as set forth in items 1 through 16." This means that none of the conditions of SP 1352 continues to apply unless it is contained in "items 1 through 16" of SP 1404, as some of them are. In other words, items 1 through 16, which modify some of the earlier conditions, reiterate others, and add new conditions, constitute all of the conditions imposed by SP 1404.<sup>1</sup> The Planning Director's clarification is consistent with the original wording of SP 1404, which states that it modifies "some of the conditions" of SP 1352. We note that conditions 8 and 9 of SP 1352 are deleted by the new permit; this is the modification to those conditions that was requested by the applicant.

SP 1404 was subsequently appealed by several parties to the Board of Supervisors, but the grounds for appeal did not relate to the deletion or inclusion of condition 8 or 9 of SP 1352. The materials transmitted to the Board included the two November 1959 letters referenced above. On May 24, 1960, the Board of Supervisors took the following action: (1) denied the appeals; (2) amended condition 6 of SP 1404; and (3) ordered that, "All other conditions of this case shall be complied with as approved by the Regional Planning Commission." If there remained any doubt as to the continuation of conditions 8 and 9 from SP 1352, the Board of Supervisors' action dispelled that doubt by ratifying the Commission's approval as presented in the Planning Director's letter of November 5, 1959.

In summary, SP 1404 modified SP 1352 to read as set forth in its attached conditions 1 through 16, with condition 6 to read as further amended by the Board of Supervisors. Therefore, the conditions of SP 1404 consist of these conditions 1 through 16, and they do not include a termination date or a storage maximum of 20 planes, as had been provided previously in conditions 8 and 9 of SP 1352.

---

<sup>1</sup>In effect, as we stated in an earlier letter to your department, the conditions of SP 1404 effectively superseded the conditions of SP 1352. See letter of July 6, 1992, from Charles Moore to John Schwarze. A contrary conclusion was reached by Joe Ben Hudgens, Deputy County Counsel, in an October 29, 1968, memorandum to O. K. Christenson, but he based his opinion on the original wording of SP 1404, and there is no evidence that he was aware of the November 1959 correspondence clarifying the intent of SP 1404. His memorandum has not been relied upon by your staff; the file contains a copy of his memorandum with a note, dated 1984, which states, "Void - see 11-5-59 letter from Gebhart Watson."

It has been suggested that SP 1404 has expired for nonuse, but there is no evidence to suggest that this has occurred. Although for a number of years, beginning in 1968, the City of Los Angeles leased the property for municipal airport uses, it appears that throughout that period the property owner continued to use the property as a private commercial airport, collecting rent from individuals who stored and used their planes at the Airpark.

Finally, the approval on December 1, 1964, of a third Special Permit, SP 1570, does not supersede or otherwise affect the terms and conditions of SP 1404, although it refers to SP 1352, contains a termination date, and reinstates the 20-plane limit. The property owner was notified in 1966 that SP 1570 had become null and void because it was not used within one year of its approval as required by the permit. Since SP 1570 was not timely used, its terms and conditions never took effect. Therefore, SP 1404 is the applicable permit which governs the operation of the Agua Dulce Airpark.

#### **CURRENT AND PROPOSED USES OF THE AIRPARK**

Your department recently cited the owner of the Agua Dulce Airpark for various zoning violations, and he has questioned whether some of the citations were made in error for permitted activities. Several other potential zoning violations have been brought to our attention as well. The subject property is located in the A-2 zone. The activities in question are as follows: storage of more than 20 planes on-site at one time; use of the airpark for other than propeller-driven aircraft; sales of alcoholic beverages; construction of a new hangar, swimming pool, and soccer fields; proposed sales of memberships for recreational activities and facilities, including a swimming pool; use of the property for special events and filming; proposed sales of parcels that have not been legally created; display of banners and a freestanding sign; and gambling.

**Storage of More than 20 Airplanes.** Your department's citation for storing more than 20 planes is based on the 20-plane limit that was contained in condition 8 of SP 1352. As discussed above, that condition no longer applies to the Airpark. There is no comparable condition in SP 1404; instead, the approved site plans provide the applicable limit by depicting the areas that may be used for hangars and tie-down areas.

**Limitation to Propeller-Driven Aircraft.** Condition 12 of SP 1404 limits the use of the airport to propeller-driven aircraft. We are informed that the property owner has proposed allowing other types of aircraft, such as jet planes, to land at the airpark. Such uses are not currently permitted and would require further zoning approval.

**Sales of Alcoholic Beverages.** Your department has received reports that alcoholic beverages are being served at the airpark. Alcoholic beverage sales is a use that is not permitted in the A-2 zone, except as an authorized appurtenant use, such as in a private recreation club pursuant to a conditional use permit or in connection with a temporary use for which a temporary use permit has been granted.

**New Hangar.** We are informed that the property owner has applied for a building permit to construct a new hangar. No building permit should be issued until your department has reviewed the proposed hangar for compliance with the approved site plans for SP 1404.

**Swimming Pool.** A swimming pool has been constructed on the subject property, and we are informed that the property owner would like to allow community use of the pool and has advertised the sale of memberships to use the pool. This proposal constitutes a private recreation club and would require the issuance of a conditional use permit.

SP 1404 authorizes a private commercial airport with a 20-unit airtel; a pool is not separately allowed under SP 1404. A previously approved site plan for SP 1404 depicted a proposed airtel with a pool, which is commonly an accessory to a hotel. While the approved site plan currently in effect does not depict an airtel, the property owner could submit a new revised site plan for approval, showing a proposed airtel with a pool, consistent with the conditions of SP 1404.

If a revised site plan with an airtel and an accessory pool were approved by the Director of Planning, the existing pool would be for the use of the airtel guests once the airtel is constructed. Until such time, the pool would be limited to the property owner's private use, such as by himself, his guests, and the employees of the Airpark. Any commercial or public use of the pool is currently prohibited and would require the prior issuance of a conditional use permit for a private recreation club.

**Soccer Fields.** Soccer fields have been constructed on the Airpark site, and we understand the property owner proposes to make them available to members of the community. Athletic fields are a use that is not allowed in the A-2 zone except pursuant to a conditional use permit.

**Membership Sales.** The Airpark owner has advertised the sale of memberships for various recreational activities and facilities. As discussed above, this use is prohibited unless a conditional use permit for a private recreation club is first obtained.

**Special Events and Filming.** The subject property has been used in the past and is proposed to be used for festivals, fairs, fireworks shows, and other similar temporary special events, as well as for filming. Your department has correctly informed the property owner that such special events cannot take place unless they have been authorized by a temporary use permit. Likewise, filming on the property requires the approval of a film permit.

**Sales of Lots Within Undivided Parcels.** It has been reported that the property owner has offered for sale parcels that have not been legally divided. A subdivision map must be approved by the County and recorded to divide land, which is shown on the latest equalized County assessment roll as a unit or contiguous units, for the purpose of sale, lease, or finance, whether immediate or future.

**Banners and Signs.** Banners advertising memberships for the use of the pool have been displayed on the property. The Zoning Ordinance prohibits any "strings of pennants, banners, or streamers, clusters of flags, strings of twirlers or propellers, flares, balloons and similar attention-getting devices, including noise-emitting devices," with the exception of properly displayed governmental, institutional or corporate flags, or holiday decorations in season. Your department correctly ordered the property owner to take down any banners displayed on the site.

Your enforcement staff has also noted a freestanding sign on the property for which no sign plan has been approved. The property owner should be notified that he must either submit plans for approval by the Director of Planning or remove the sign.

**Gambling.** Community members have reported that gambling has taken place on the premises. Gambling activities (betting and wagering) are generally prohibited by Chapter 13.20 of the County Code. The prohibition applies not only to participation in gambling, but also to attending places where gambling is taking place, as well as to permitting gambling on property under one's ownership or possession.

JAF:cnz

c: Millie Jones, Deputy  
Fifth Supervisorial District

Paul Novak, Deputy  
Fifth Supervisorial District

Barry Kirshner  
Agua Dulce Airport, LLC

Joanne Swanson, Acting Chairperson  
Agua Dulce Civic Association Airport Committee

Jeremy G. Schuster, Esq.  
Law Offices of Schuster & Associates

bc: Andrew G. Fried, President (via e-mail: andyjudy@as.net)  
Agua Dulce Town Council

Nick Grudin  
Daily News (via Facsimile No. (661) 257-5255)

John Calas  
Nicole Gaudette  
Rose Hamilton  
Frank Meneses  
Regional Planning Department

Ted Gustin  
Department of Public Works

Peter Gutierrez





February 7, 1967

Mr. Herbert Gaines  
10764 West Darling Road  
Saugus, California 91350

Dear Sir:

Re: Inspection File No. 8-1604

This will acknowledge your letters of recent date regarding the Agua Dulce Airport. In accordance with your request, copies of Special Permit Cases 1352, 1404, and 1570 are enclosed.

It appears that Special Permit Case 1570 has lapsed for failure to use the same in the allotted time. The airport operates under the provisions of Special Permit Cases 1352 and 1404. You will note from these cases that there are no stated conditions that require the establishment of a flight pattern.

We appreciate your interest in the problem but advise that in the absence of contrary evidence, there appears to be no violation of the Los Angeles County Zoning Ordinance at this time. However, if additional evidence is received which substantiates a breach of the conditions of the Special Permit cases, we will give further consideration to this matter.

Very truly yours,

THE REGIONAL PLANNING COMMISSION

Milton Breivogel, Director of Planning

NB  
BTI:WR  
al

MR  
EJD

Enclosures (3)



1  
2  
3  
4

# ATTACHMENT D

## DEPARTMENT OF REGIONAL PLANNING

### ZONING ENFORCEMENT SUMMARY REPORT

#### AGUA DULCE AIRPARK

33638 Agua Dulce Canyon Road  
Agua Dulce, CA 91390

CUP-SP 1404/ EF 030806

#### Background

Agua Dulce Airpark is a privately owned and operated general aviation airport that was established in 1958 by approval of Special Permit 1352. The facility is approximately 200 acres in total size including the privately owned recreational area and airpark. The property is zoned A - 1 -10,000 and A - 2 -1. The runway is 5,000 feet long, unlighted and can only accept aircraft under 12,500 pounds. Hours of operation are limited to 8:00am to 6:00pm and there are no night landings.

In the late 1950's surrounding land use was predominately undeveloped. Today Agua Dulce is an equestrian-oriented community consisting of large lots and ranch houses in a rural atmosphere. Recent development pressures in the Agua Dulce area have resulted in questions concerning the compatibility of the airpark operations and the current surrounding development.

Several agencies have either direct control over or some impact on airport activities in Los Angeles County. The **Federal Aviation Administration (FAA)** exerts the greatest control over airport operations. The FAA is responsible for the control of airspace and for certifying both pilots and the airworthiness of aircraft.

The responsibility for California's airports lies with the **California Department of Transportation, Division of Aeronautics**. This division is responsible for funding, licensing, and permitting programs for airports and heliports. Assistance for the development and maintenance of aviation facilities through engineering and aviation experience is provided, as well as systems planning and environmental and community service programs.

The **Los Angeles County Department of Public Works, Aviation Division** functions as a liaison between the County and the aeronautical industry and aeronautical organizations. It also must review plans for proposed new airports and heliports within Los Angeles County. The Aviation Commission serves to advise the Board of Supervisors regarding the operation and development of airports within the County.

## **Permit Chronology**

**September 2, 1958** - Special Permit Case 1352 approved to authorized the establishment of a private airport on approximately 102 acres in the A-1-10,000 zone, Soledad Zoned District

**October 27, 1959** - Special Permit Case 1404 approved to enlarge, operate and maintain an existing private commercial airport and to modify some of the conditions of Special Permit Case No. 1352.

**December 1, 1964** - Special Permit Case 1570 approved to expand existing airport use.

**February 7, 1967** - Special Permit Case 1570 expires due to non-use.

**June 26, 1967** - Milton Breivogel, Director of the Department of Regional Planning writes letter stating that Condition Number 12 of SP 1404 includes helicopters as a class of propeller driven aircraft.

**Late 1968** - City of Los Angeles leases the airport for the next 10 years.

**July 6, 1992** - Charles Moore, County Counsel, states in correspondence that SP 1404 removed the expiration date instated by SP 1352, and that the airport can continue to operate indefinitely.

**September 21, 2000** - Barry Kirshner purchases the Agua Dulce Airpark.

**September 25, 2000** - Judith Fries, County Counsel, states in correspondence that SP 1404 removed the expiration date instated by SP 1352, and that the airport can continue to operate indefinitely.

### **May 28, 2003**

Nicole Gaudette inspected the Airpark in response to a complaint regarding the construction of a pool. Violations were found:

- 1) Pool construction prior to issuance of building permits
- 2) Banners advertising recreational memberships
- 3) Athletic (soccer) fields created without first obtaining a CUP.

**June 4, 2003** - DRP received a complaint that the Airpark was building a pool without permits. DRP sent a referral to Valencia Building and Safety regarding the pool. DRP also sent a referral to ABC, due to a complaint that the Airpark was serving alcohol without permits.

**June 27, 2003** – Notice of Violation was sent to Airpark due to a pool being built without permits, private club memberships being sold without permits for a club, banners present on property, suspected alcohol sales, more than 20 airplanes stored at the airpark. Airpark management was advised to obtain temporary use permits before hosting festivals.

**July 4, 2003**

Todd Clark (Field Office Planner) inspected the Airpark for the Independence Day fireworks display for compliance of conditions for TUP 03-013. No noted violations

**July 23, 2003** - Airpark requests extension from DRP in order to be granted more time to bring the property into compliance.

**July 29, 2003** – A 30 day time extension was granted by DRP to remove banners, apply for permits, submit a Revised Exhibit "A", and generally bring the property into compliance.

**August 15, 2003** - Judith Fries, County Counsel, states in correspondence that SP 1404 is the binding permit for operation of the Airpark. This permit removed the expiration date instated by SP 1352, allowing the airport to operate indefinitely. Additionally, she clarifies exactly which uses are currently allowed at the airpark. These uses include the following:

- a. More than 20 planes may be stored at the Airpark.
- b. The Airpark is limited to propeller driven aircraft
- c. Alcoholic beverage sales are not permitted unless approved as an appurtenant use such as a private recreation club or in connection with an approved temporary use permit.
- d. No building permit should be issued for hangars until DRP reviews proposed hangars for compliance with the approved site plan for SP 1404.
- e. In order for the Airpark to utilize existing pool for community use or to advertise use of pool for private membership, a CUP must be obtained for a private recreation club.
- f. The Airpark is allowed to submit a Revised Exhibit "A" for approval showing a proposed airtel with a pool, consistent with the conditions of SP 1404. Until the airtel is constructed the pool would be limited to the property owner's private use, such as by himself, his guests and the employees of the Airpark.
- g. Athletic fields such as soccer fields are a use that is not allowed in the A-2 zone except pursuant to a CUP.

- h. Membership sales for recreational activities and facilities are prohibited unless a CUP for a private recreation club is first obtained.
- i. Special events and filming at the Airpark require approval of temporary use permits and film permits, respectively.
- j. A subdivision must be approved before any parcels at the Airpark are offered for sale or lease.
- k. Banners are not permitted on Airpark property. Airpark owner must submit a sign plan to DRP to authorize the existing freestanding sign on site.
- l. Gambling is not permitted at the Airpark.

**August 19, 2003**

Nicole Gaudette inspected the Airpark to check for compliance with Notice of Violation issued June 27, 2003. Airpark management had ceased construction of the pool, moved the banner from Agua Dulce Cyn. Rd. to a fence surrounding the pool area. Athletic fields were not in use at the time of inspection.

**September 12, 2003**

Nicole Gaudette inspected the Airpark for the Wild West Days festival to ensure compliance of conditions for TUP 03-020. No noted violations.

**September 13, 2003**

Nicole Gaudette inspected the Airpark for the Wild West Days festival to ensure compliance of conditions for TUP 03-020. No noted violations.

**September 14, 2003**

Nicole Gaudette inspected the Airpark for the Wild West Days festival to ensure compliance of conditions for TUP 03-020. No noted violations.

**September 25, 2003**

Nicole Gaudette inspected the Airpark for general compliance with SP 1404. No noted violations.

**September 27, 2003** – Airpark submitted Revised Exhibit “A” to approve relocation of pool, airtel, utility building and parking area. Enforcement case closed.

**October 15, 2003**

Nicole Gaudette inspected the Airpark for the Agua Dulce Business Expo event for compliance with conditions of TUP 03-022. No noted violations.

**November 10, 2003** – Airpark submits conditional use permit application for private recreational club with beer and wine.

**December 11, 2003**

Nicole Gaudette inspected the Airpark for general compliance with SP 1404. Upon inspection, it was discovered that a special event called "Santa Fly-In" was advertised on a banner. Temporary Use Permits had not been issued.

**January 29, 2004**

Nicole Gaudette inspected the Airpark for general compliance with SP 1404. No noted violations.

**April 1, 2004**

Shawn Skeries (DRP zoning enforcement) inspected reports of newly graded "tie-down" area. Evidence was found of illegal construction/grading. Photos were taken as evidence for the enforcement file.

**April 5, 2004**

Rose Hamilton and Nicole Gaudette inspected "tie-down" area. Construction continued with paving work being noticed. Airpark management was informed to stop paving the area.

**April 24, 2004**

Mark Meyer (DRP zoning enforcement) inspected new "tie-down". No use of area noted.

**June 5, 2004**

Nicole Gaudette inspected new "tie-down" area to check for use. No use of area is noted.

**July 29, 2004**

DRP hired external consultant, **Persico Planning Partners**, to conduct bi-monthly random, and unannounced inspections of Agua Dulce Airpark. Consultant is directed to pay specific attention to "tie-down" area, filming/production activity, acrobatic flying and maneuvers, and the number of planes that are present at time of inspection.

**October 18, 2004**

Bruce Durbin inspected the Airpark for general compliance with SP 1404. No noted violations.

**November 15, 2004**

Bruce Durbin inspected the Airpark for general compliance with SP 1404. No noted violations.



## **Recent DRP Notice of Violations**

### **June 3, 2004**

Referral sent to Valencia Building & Safety Office. Office was notified that a pool is being constructed with no evidence of permits being issued.

### **June 4, 2004**

Referral sent to State of California, Department of Alcoholic Beverage Control. Office was notified that Airpark is serving alcohol at their "Pilot's Lounge."

### **June 27, 2003**

Notice of Violation sent to Airpark. Violations cited:

- 1) More than 20 planes stored at Airpark.
- 2) Alcohol beverages being served at the "Pilot's Lounge."
- 3) Violation of Exhibit "A" – Pool constructed without permits.
- 4) Airpark management selling memberships for future planned recreational facilities.
- 5) Special events (Business Expo, Beer Fest, Santa Fly-In) require a TUP.
- 6) Subdivision of land must first be approved by the subdivision process with the Dept. of Regional Planning.
- 7) All filming needs to be in compliance with regulations set forth in SP 1404.

### **July 29, 2003**

Notice of 30-Day Time Extension granted to comply with Notice of Violation dated June 27, 2003.

### **January 8, 2004**

Notice of Violation sent to Airpark. Violations cited:

- 1) Planes conducting acrobatic maneuvers at the airport in violation of condition No. 7 of SP 1404.
- 2) Violation of TUP 03-020 which forbids the taking-off and landing of aircraft during the Wild West Days event.
- 3) Santa Fly-In event was held December 14, 2003 without benefit of a temporary use permit.

### **May 20, 2004**

Final Zoning Enforcement Order sent to Airpark. Violations cited:

- 1) Reports of aerial acrobatics and dangerous flying at the Airpark.
- 2) Construction of a new "tie-down" area without submitting a Revised Exhibit "A".

## **External Consultant Inspection Reports**

### **Persico Planning Partners**

<b><u>Date</u></b>	<b><u>Report #</u></b>	<b><u>Summary</u></b>
7/30/04	# 04-01	No noted violations
8/14/04	# 04-02	Airplane observed taxiing in the "tie-down" area
8/28/04	# 04-03	4 people seen using the pool
9/10/04	# 04-04	Film production trucks parked on property – no on-site production visible
9/25/04	# 04-05	No noted violations
10/22/04	# 04-06	No noted violations
11/7/04	#04-07	No noted violations
11/21/04	# 04-08	No noted violations
12/12/04	# 04-10	No noted violations
12/23/04	# 04-11	No noted violations



ATTACHMENT E

# Charles Brink

I prefer response by E-mail  
instead of FAX or snail mail

PO Box 9333 Van Nuys CA 91409  
818-886-5223 FAX 818-886-1026  
800-773-5228 FAX 800-606-2036  
E-mail [acton@wgn.net](mailto:acton@wgn.net)  
<http://www.vanguardnews.com>

January 9, 2005

James Hartl  
Director of Los Angeles County  
Department of Regional Planning

VIA: E-mail [jhartl@planning.co.la.ca.us](mailto:jhartl@planning.co.la.ca.us)  
and FAX 213-974-6384

Dear Mr. Hartl,

I would like these comments to be reflected in the staff report for the revocation hearing for Permit #1404 for the Agua Dulce Airport scheduled for January 22, 2005. I would also like to formally request a, preferably electronic, copy of the staff report to publish on my newspaper website [vanguardnews.com](http://www.vanguardnews.com).

We have been closely following the airport's continued violations of its permit since a local resident, Ms Park Overall, spent over \$25,000 of her own money because the airport was harassing her and her animals by their aircraft operation.

As you know the County's effort to purchase the airport in 1995 to change it from a private airport to a public airport and to expand its operation was defeated on the local ballot by nearly a 66% vote of the residents of Agua Dulce. This, due to the courtesy of Michael Antonovich, was placed on the regular county election ballot, as opposed to the phony and bewildering elections for the various local community groups.

During our process of covering the airport, we have placed nearly 100 pages (<http://www.vanguardnews.com/adtc/Airpark/Index.htm>) of data on our website and have received over ten thousand hits by people reading these stories.

There are numerous studies showing huge losses of property values and its related tax base because of the proximity of an airport. These numbers range from 20% to 50% of property values. While most of these studies concern larger airports, the indices of property value reduction is the increase of airport noise over ambient noise. As the ambient noise level in Agua Dulce is so low, propeller driven aircraft and turbine driven helicopters provide a far greater disturbance to the community as opposed to jet operations over a noisy city such as Van Nuys.

With no airport, federal regulations FAR 19-191 require all aircraft remain at least 1,000 feet above ground level. With any airport, be it private or public, the FAA allows all aircraft, whether they intend to land or just sight see, to fly as low as the pilot deems it to be safe, which the actions of the airborne terrorists who attack residents in Agua Dulce seems to be that their wheels clear the roof tops.

Up until recently, the airport has operated by aggressively harassing anyone who complained about the airport by what amounted to having pilots dive-bomb and strafe peoples' homes and their livestock. We have video images showing these actions along with recorded radio comments such as "I got that bitch this time". The airport management has attempted to bribe the community by building an illegal soccer field and other recreational facilities within the runway exclusion zones.

They were a total nuisance by invasive filming permits that culminated with a wing-walking stunt flying within a few hundred feet of residential roofs. Other invasive filming included full loads of automatic weapons firing all night long. One of noisiest ideas was to film the special effects for movie "Twister" using jet engines as wind machines running all night long. Fortunately, the production company cancelled the shoot after our paper headed an effort to block it.

The airport has a 46-year history of thumbing its nose at the community and the Regional Planning Commission. In fact, their first Permit #1352 was issued solely to legalize an airport that had been illegally constructed without any permits.

The airport then applied for Permit #1404 to extend the runway and to increase the number of aircraft, again after the fact, because at the time of the hearing the testimony shows that they had already extended the runway without waiting for approval. In fact, Mr. Daum, a planner for your department, stated in the hearing for Permit # 1404 "you haven't met the conditions set forth by the Commission a year ago (1352)...and ... hopes of expanding your airfield without taking care of the original permit". Mrs. Baca, a planning commissioner in the same hearing states "It seems to me that you just add insult to injury by continuing to violate your special permit".

The tortured history of these permits, culminating with the bizarre claim that helicopters are permitted because your Director of Planning, Milton Breivogel, wrote a letter on June 26, 1967 stating "that helicopters were propeller driven airplanes".

The Regional Planning Commission must revoke Permit #1404 under Condition 16, which states:

16. It is hereby declared and made a condition of this permit that if any condition hereof is violated or if any other law, statute or ordinance is violated the permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed for a period of 30 days to do so.

And just in case your legal counsel thinks for some bizarre reason that that condition is unenforceable, then Condition 15:

15. It is hereby declared to be the intent that if any provision of this permit is held or declared to be Invalid the Permit shall be void and the Privileges granted hereunder shall. Lapse;

requires the Commission to lapse the permit because Condition 16 would not be enforceable.

This permit is so old; CEQA did not even exist when it was issued. There has never been any analysis on the environmental impact of this airport on the community.

The Commission cannot consider any expansion in the scope or operation of the airport because this hearing is solely for revocation and reduction. The Commission must find that the airport has routinely "violated or if any other law, statute or ordinance County law" from its inception in 1959 by first operating the airport without any permit and then by making additions and expansion without obtaining the necessary new permits or having public hearings.

The permit violations (see <http://www.vanguardnews.com/adtc/Airpark/Index.htm> - violations ) in the last 2 years are well documented and these recent violations, by themselves, are sufficient under the language of their permit to require the Commission to terminate the permit.

I can assure you that there are people within the community that would take action through a writ of mandate to force the County to cancel the permit as is called for in the plain language of the permit.

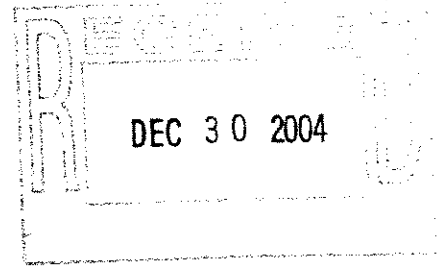
If the airport wishes to re-establish a new permit, then it should file for new CUP and prepare the necessary environmental documents to support an airport.

I would also like to incorporate, by reference, the hundreds of pages of comments and information concerning the airport on my website.

Sincerely,

Charles E. Brink

Michael & Mary Alexoff  
32317 Agua Dulce Canyon Road  
Agua Dulce, CA 91390



Supervisor Michael Antonovich  
869 Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Gentlemen,

This letter is in reference to the proposed growth of the Agua Dulce Airpark. As residents of Agua Dulce, we strongly oppose the further expansion of the Agua Dulce Airpark as proposed by the Agua Dulce Airport Group ( Barry Kirshner, Wayne Spears, Ed Marzee), for the following reasons:

The "Conceptional Plan" shows airpark installations more than doubling in number - 75 new hangers, 75 houses, Helicopters, no limit on the number of planes, and night time flights. This would create substantially more auto traffic on our rural 2-lane canyon road leading to the airpark. Increased smog and noise pollution will surely destroy our peaceful, rural lifestyle, not to mention decreased property values. This small community is already struggling with a lower water table and an unprecedented amount of wells going dry. Agua Dulce Airpark historically has been a small private Airpark with only light air traffic, primarily on weekends. Allowing this expansion will dramatically increase the possibility of crashes and will become a safety issue for the many residents living close to the runway, and being especially dangerous to the young children of Agua Dulce Elementary School, which is directly below the flight pattern used during takeoff and landing.

We implore you to consider all these issues before allowing a few businessmen not concerned about our community, to profit at our expense. Thanks for your time.

Sincerely,

Mike and Mary Alexoff

cc: Congressman Buck McKeon  
James Hartl, Director Regional Planning  
Andrew Fried, President Town Council  
Concerned Citizens of Agua Dulce, Inc.

**Dea, Samuel**

---

**From:** Hartl, James  
**Sent:** Monday, December 20, 2004 7:45 AM  
**To:** Calas, John; Durbin, Bruce; Dea, Samuel; Sanabria, Jon  
**Subject:** FW: AGUA DULCE AIRPARK EXPANSION

-----Original Message-----

**From:** Howard Kaplan [mailto:lafdhk@yahoo.com]  
**Sent:** Friday, December 17, 2004 3:35 PM  
**To:** jhartl@planning.co.la.ca.us  
**Subject:** AGUA DULCE AIRPARK EXPANSION

Dear Mr. Hartl,

I have lived in Agua Dulce for the last 14 years. This community is one of the last remaining "rural" communities that exists close to major urbanization. Contrary to the expansion of Santa Clarita and Palmdale, we have remained peaceful, quite, and rural.

The reason has been, there are fewer amenities here and the residents enjoy it that way. Most of us are willing to drive a "few" miles for whatever shopping needs we may have.

Our growth has been "slow", and that is what we enjoy about this area. That is not to say we are a "no growth" community, I believe no growth would be impossible. In time, this community will get larger and probably be part of Santa Clarita sometime in the future, but hopefully not the near future.

The expansion of the Agua Dulce airport is not a new issue for us, as you probably already know. The freedom we have living in America, allows us to prosper as we see fit. What bothers me is that some "prosperous" individuals think that prosperity also allows certain "perks" or favors within our governmental system. You and I both understand the line, "money talks". We both have seen this many times.

The issue of the Agua Dulce airport has much greater ramifications than just a next door neighbor. This property is located in the center of our community and it literally affects all of the residents.

Most of us moved here knowing we had a small private airport. We all were fine with that concept. We have no complaints of how it "used to be". Our objections to this project is with the changes that have been made without LA County permission (permits), and the suggested plans to expand. An extremely important part of this issue is that many supporters of this plan are not residents of Agua Dulce. Why would anyone complain about airport expansion, more traffic, more noise, and more planes when they live in a "quite" community miles away from here? The answer is obvious, all of us want it in someone else's backyard.

Leave it the way it was and it is OK in my backyard, but do not change it to a larger facility.

This one parcel will destroy what we now know as Agua Dulce. I am opposed to a "prosperous" individual asking for forgiveness rather than permission. I am opposed to a "prosperous" individual using his prosperity to try and push a corporate type investment into my community for the sole purpose of personal monetary gain.



You are my voice in government. I rarely have an issue to write to you about and ask you to represent my concerns. Now I am asking you to do just that. Please represent this constituent and voice my concerns. I do not support any expansion of the Agua Dulce airport.

Thanking you in advance,

Howard Kaplan  
33264 Encaro Ct  
Agua Dulce, CA 91390  
661-268-8006

Dear Supervisor Antonovich:

The Agua Dulce Civic Association has opposed the expansion of the Agua Dulce Airport since 1959. Our efforts have contributed to preserving a wonderful rural community.

I want to preserve the small town flavor that first brought me to this town, and oppose any uncontrolled expansion of the airport.

Thank you.

Name: Ramona Hall

Street Address: 33455 Agua Dulce Cyn Rd

City: Agua Dulce State: CA Zip: 91390

Phone: 268-1833

E-mail: Rahpsych@aol.com

Signature: Ramona Hall

Additional Concerns:

It is amazing to me that the County  
has allowed one man to do so much  
that is unwise & illegal. Airport  
expansion is not good for this community!

FAX: 268-1893

Or Mail to: 33201 Agua Dulce Cyn Rd. Box #1



Agua Dulce Civic Association Inc.

...Serving Agua Dulce since 1957

<http://www.aguadulceupdate.com/>

Dear Supervisor Antonovich:

The Agua Dulce Civic Association has opposed the expansion of the Agua Dulce Airport since 1959. Our efforts have contributed to preserving a wonderful rural community.

I want to preserve the small town flavor that first brought me to this town, and oppose any uncontrolled expansion of the airport.

Thank you.

Name: SCOTT HART

Street Address: 11426 Sierra Hwy.

City: AGUA DULCE State: CA Zip: 91390

Phone: 661-268-0697

E-mail: SCOTT.HART3@AOL

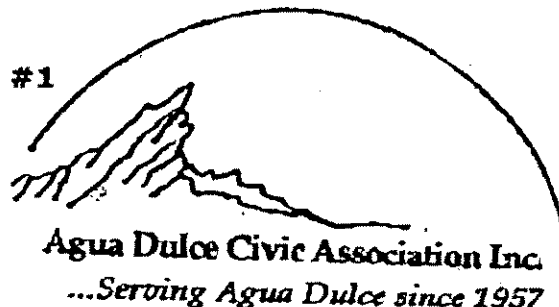
Signature: \_\_\_\_\_

Additional Concerns:

I HAVE BEEN A SUPPORTER OF THE AIRPORT UNTIL  
I HEARD ABOUT THE AMOUNT OF WATER IT NOW  
USES.

FAX: 268-1893

Or Mail to: 33201 Agua Dulce Cyn Rd. Box #1



<http://www.aguadulceupdate.com/>

The Agua Dulce Civic Association has opposed the expansion of the Agua Dulce Airport since 1959. Our efforts have contributed to preserving a wonderful rural community.

I want to preserve the small town flavor that first brought me to this town, and oppose any uncontrolled expansion of the airport.

Thank you.

Name: Drew Gurewitz  
Street Address: 9303 Yucca Hills RD.  
City: Agua Dulce State: CA Zip: 91390  
Phone: 661/268-1703  
E-mail: drew@aguardulce.org  
Signature: [Signature]

Additional Concerns:

Keep Agua Dulce Rural !!  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FAX: 268-1893

Or Mail to: 33201 Agua Dulce Cyn Rd. Box #1

The Agua Dulce Civic Association has opposed the expansion of the Agua Dulce Airport since 1959. Our efforts have contributed to preserving a wonderful rural community.

I want to preserve the small town flavor that first brought me to this town, and oppose any uncontrolled expansion of the airport.

Thank you.

Name: Cathy Gurewitz  
Street Address: 9303 Yucca hills Rd  
City: Agua Dulce State: CA Zip: 91390  
Phone: 661-268-1703  
E-mail: \_\_\_\_\_  
Signature: [Signature]

**Additional Concerns:**

In the short time I have lived  
here I have watched the airport  
grow at a rapid pace. The small amount  
of construction that we have done  
on our home has taken years. If we  
had grown at airport speed, I would have  
built 3 houses, 2 garages a tennis court,  
football field and lets not  
forget our

FAX: 268-1893

Or Mail to: 33201 Agua Dulce Cyn Rd. Box #1

non-permitted  
Swimming  
Pool  
~

Dear Supervisor Antonovich:

The Agua Dulce Civic Association has opposed the expansion of the Agua Dulce Airport since 1959. Our efforts have contributed to preserving a wonderful rural community.

I want to preserve the small town flavor that first brought me to this town, and oppose any uncontrolled expansion of the airport.

Thank you.

Name: Herbert, Gail & BRIAN PLESSNER

Street Address: 6149 Hubbard Rd

City: Acton State: Ca Zip: 93510

Phone: 661-269-8247

E-mail: Herbs Forest @ 904. com

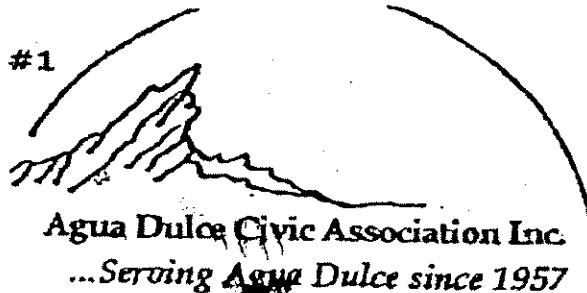
Signature: Herbert, Gail & Brian Plessner

**Additional Concerns:**

We have been an Acton resident for over 8 years. When we first moved to Acton we were told about the Agua Dulce Airport and that it was a small privately run airport with not much air traffic. Since the new ownership, the air traffic over our house has significantly increased. Our home is located at about 3700 feet and we have a lot of private planes that are flying way to low. We had one just last week that was so low that it actually shook our home. We see a lot of private planes flying in a V formation and in my opinion an unsafe distance from each other. There is also someone giving flying lessons and there favorite location to do the stall outs and restarts is over our house. Any complaints to the airport have fallen on deaf ears. Why wait for a major disaster to happen before something is done. We are opposed to any additional expansion of the Agua Dulce Airport.

FAX: 268-1893

Or Mail to: 33201 Agua Dulce Cyn Rd. Box #1



<http://www.aguadulceupdate.com/>

JOHN BAKER  
CPR TECHNOLOGIES  
25129 THE OLD ROAD #303  
STEVENSON RANCH, CA. 91381  
JBAKER@CPR-TECH.COM



October 4, 2004

Regional Planning Commission  
Dept. of Regional Planning  
County of Los Angeles  
320 W. Temple St.  
L.A., C.A. 90012

Re: Agua Dulce Airport

I would like to take this opportunity to express my continuing concern over the Agua Dulce Airport operations and the airports expansion.

It is my strong opinion that rules must be established regarding the operation of Agua Dulce Airport relative to the lack of permits obtained before adding volumes of traffic, filming activities, building additional structures, and how those structures/activities affect the community.

We look to our elected officials to give full consideration to the impact on the community of Agua Dulce relevant to unchecked commercial expansion, noise, pollution, and congestion.

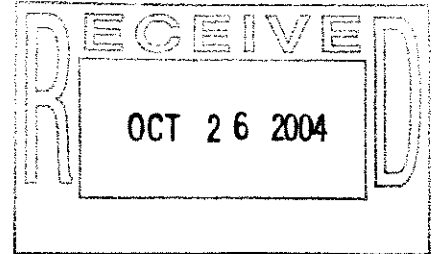
Any questions, please call (661) 284-1130. Thank You for your Cooperation



John Baker  
President, CPR Technologies

33710 Shallow Creek Rd.  
Agua Dulce, CA 91390  
661 268-0267  
Email: fuzzypower@sbcglobal.net

October 23, 2004



Planning Commission  
320 West Temple Street  
Los Angeles, CA 90012

Subject: Agua Dulce Airpark

To Whom It May Concern:

We are hereby conveying our protest of the Agua Dulce Airpark expansion. We moved here in 1982 because of the rural, quiet and spacious community that our community exuded then, and we'd like to keep it that way. We feel that expansion of the Agua Dulce Airpark will take away from the serenity of the community and create too much noise, traffic and pollution. We are not a community that can handle a lot of road or air traffic, and we feel if the Airpoark is allowed to expand, it will cause too much of both.

Since we just received the notice to write to the ADCA today, I hope our protest goes on record.

Very truly yours,

*George & Gail MacDonald*  
George and Gail MacDonald

gm



RECEIVED  
OCT 12 2004

To all:

Let me start with a short history: The house on my property was built in 1956 and it wasn't the only house in Agua Dulce at the time. In 1958 a local resident solicited the community to allow a runway in the area for the local pilots use. " A PRIVATE USE AIRPORT for the local residents only...

In the present, the airport has been aggressively expanding with out the necessary permits. They have hangers that have been constructed and even sold with permits just for the foundations of this hangers.. some oversized for industrial use... My concerns with this type of expansion and business conducting enterprises are many. When has anyone else on record been able to build out so obviously illegally and blatant without being absolutely stopped in their tracks and red tagged...That is unacceptable.

This airport has pretty much shut out the community's concerns and remained self-serving as a business enterprise. What they have not acknowledged and respected are the homes that are surrounding this airport, the ones that existed prior to the birth of this airport.

..Ever since these residents agreed it would be ok to allow a few airplanes owned by the local residents to enjoy the friendly skies... it has been a nightmare for town...This airport has again and again solicited aircraft into this quiet rural equestrian community with a restaurants, events, etc.... This airport now promotes pilot training and helicopter training at an airport that has been documented as difficult to fly in and out off because of the surrounding mountains. and winds and that this airport has a bottom of

the bowl local...these pilots lessons have included touch and go's and repeated circles around the community not always in the flight path. This airport has allowed stunt flying and even encouraged these types of flying on occasion. To them it's an uncontrolled airport and airspace of which seems to attract a cavalier attitude with dangerous flying habits over residences.. These acts are documented as proof. Also I have personally witnessed take offs flying into the direction that air traffic is coming into the airpark..seconds apart... an uncontrolled situation and accident waiting to happen...Our safety is a huge concern but here's a fact that addresses a problem we have presently:

My appraisal states: Exterior Depreciation Due to LOCAL AIRPORT TRAFFIC NOISE... there have been over 100 landing's on any given weekend day. The noise level from these flights over the community is the same type of nuisance that occurred in the 60's resulting in residents filing a nuisance lawsuit which resulted in the airport buying properties.

As we can hear the air traffic loud and clear again, all resident property owners should be concerned.

A local resident appraiser that is familiar with this airport and Agua Dulce did this appraisal. This appraiser didn't understand why someone would have a problem with this airport but felt it necessary to disclose these facts.

All comparables included a comment about the levels of AIRPORT TRAFFIC NOISE and they were spread over the map of Agua Dulce from Sierra Highway to Barber Rd, Bradmore Rd., Hanawalt Rd., and Bedworth.

My concern is if it's an issue now, how much depreciation per parcel are we experiencing? What if the airport expansion were to continue in the manner of which it has been operating? DO we know what the plan is and how many planes are allowed to be based at this airport? I understand there are 55 hangers that have been proposed.. How bad could this traffic be for us??

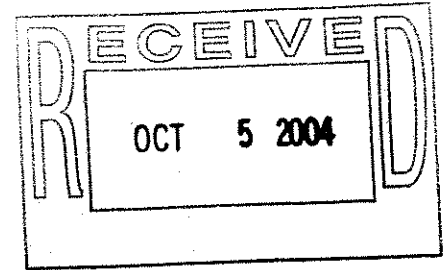
Let's say for instance, 1,000 homes that can hear the noise, some more, some less but average loss \$25,000+- per home. That figure would come out to a depreciated loss for the community of \$25,000,000... 25 million!! Why should we lose when I hear so often that the airport should be allowed to make money...

I am not trying to close the airport; I just want to limit the NOISE! and TRAFFIC!! I request that there is more respect for this community's peaceful rural lifestyle and property values...What happened to the concepts of homes with private hangars? I would think that would be a plus for the community as the pilot / homeowner's would have incentive to govern their own and control the traffic noise...

We hopefully can work this out in a manner that all of us could live with.

Sharon Erickson  
Agua Dulce Resident

Katt Shea  
11710 Bedworth  
Agua Dulce, CA  
91390



Regional Planning Commission  
Department of Regional Planning  
County of Los Angeles  
#20 W Temple Street  
L. A., CA 90012

October 4, 2004

Re: Agua Dulce Airport

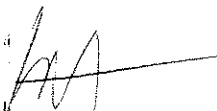
Dear Commission,

I want to weigh in on the airport expansion in Agua Dulce. I live right in the path of the planes as the land and take off. In the last year or so things have really gotten out of control. Planes buzz houses so closely the occupants are afraid they are going to be hit. I have friends who ran out of their house with nieces and nephews in tow, fearing that the loud plane pointed directly at the house was going to crash into it. I have other neighbors who have had a plane crash very close to their house.

When I moved to Agua Dulce it was a quiet community even though the airport was open. At that time, someone else ran it. In recent years, Agua Dulce has become a noisy place to live. Traffic has increased enormously and suddenly these drivers new to Agua Dulce have no idea they should slow down when they see people on horseback. So many of my neighbor's wells have gone dry, which is not the fault of the airport alone but the water table is lowering and Mr. Kirshner is watering an unusable soccer field.

I'm not against free enterprise and Mr. Kirshner's right to run an "airpark" but this airport is getting out of hand. I understand that much of the expansion is being done without approval or permit. I am for **NO** expansion and I believe that Mr. Kirshner should be taken to task for breaking the rules that everyone else is obligated to follow.

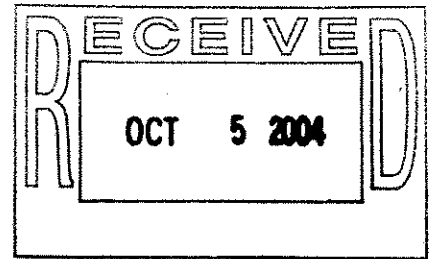
Sincerely,



Katt Shea

Los Angeles County Planning Commission  
320 West Temple Street  
Los Angeles, CA. 90012

Oct 4 2004



RE: Special Permit 1404-(5)

Dear Commission Members

First thank you very much for coming to the Agua Dulce area to hear from the residents impacted by the current airport expansion. Over the years the airport has quietly been granted a number conditional use permits without any community notification or impute in spite of strong opposition by residents. If you review the prior conditional use permits it appears that the previous regional planning boards visioned a small private airstrip with several conditions that would close the airstrip if those conditions were not met. Apparently a conditional use permit is just a suggestion and not really a strict condition. Repeated airport violations and conditions are ignored by the owner and the county does nothing. The residents of Agua Dulce will never accept an expanded airport. If the county wanted to preserve this airport then they should have rezoned the whole impacted area industrial in 1958. There is no noise buffer zone and the aircraft frequently take off low and loud over our homes and school. With surrounding hillsides the noise is contained and is unbearable.

I am a 32 year resident of Agua Dulce. For most of that time the airport was either closed or traffic was at an acceptable level. Now it is totally out of control. Is my right to the peaceful enjoyment of my home secondary to a pilot from bakersfields right to repeatedly fly low and loud over my home? Are his rights to enjoy his hobby more important than my rights? Are you going to let the out of state owner of the airport drive Agua Dulce residents out of their homes?

In the course of the past 30 years I have attended many airport meetings. Not once have I ever heard a pilot express any concern for the community. If the airport expands who is going to compensate us for our lost property values. As you should know an airport is considered a nuisance and proximity to an airport must be disclosed by a seller. I could go on and on about why if this airport must grow then it must go. If it stays, long after you and I are gone there will be lawsuits local fundraisers for attorneys fee's and a constant flood of complaints to the supervisor. I urge you to revoke the airports conditional use permit.

It has been my experience that pilots from all over the west will converge on Agua Dulce to take over our hearing they are currently flying in to sign his petition. We all know that the pilots have never seen a landing strip they did not like. They complain about landing strips closing But they won't pay a 2\$ landing fee to support their air strip and again I have never heard them express any concern for anything except the possibility that they may have one less place to go for a 100 dollar hamburger.

Sincerely

  
James H. Jennings  
33346 Chamizo Calle  
Agua Dulce CA.

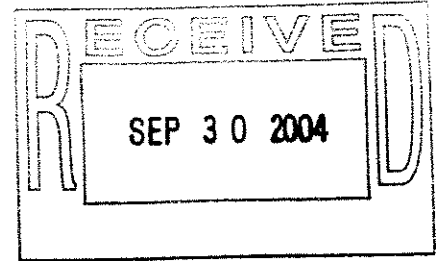
*Doris B. Hill*

33447 Agua Dulce Cyn. Rd.

Agua Dulce, Calif. 91390

661 268 1149

dhill31525james@sbeglobal.net



September 28, 2004

Planning Commission  
320 West Temple Street  
Los Angeles, Calif. 90012

RE: Agua Dulce Airport  
Against Airport Expansion

Dear Commision

I wish to go on record that I am against the Airport Expansion.

I have lived in Agua Dulce 24 years. The airport as it was did not bother me. It was our understanding the flight pattern was to follow Darling Road not go over Housing. However since Mr. Kirshner has acquired the airport, he has realigned The airport runway, the airplanes now come directly over my home. It is so noisy you have to stop talking until they have passed, you cannot hear. One day I counted six Planes directly overhead, one right after the other. My property value has already dropped..

Mr Kirshner does not live here and 99% of the pilots do not live here and yet They are allowed to come in and ruin out wonderful community.

We are all on wells out here and have always tried to conserve water so Everyone would have water. Not Mr. Kirshner, he is using gallons and gallons of water Watering a soccer field, putting in a swimming pool etc. all in the guise of helping the Community while many familys above him are losing their water.

Mr Kirshner is doing all these things in the guise of helping the community But the bottom line is he is doing it for himself to make money.

I AM OPPOSED TO THE AIRPORT EXPANSION, WE DO NOT NEED IT.

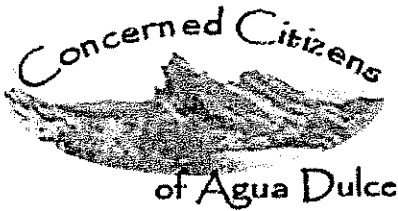
Sincerely

Doris Hill

A handwritten signature in cursive script that reads "Doris Hill". The signature is written in dark ink and is positioned below the printed name "Doris Hill".



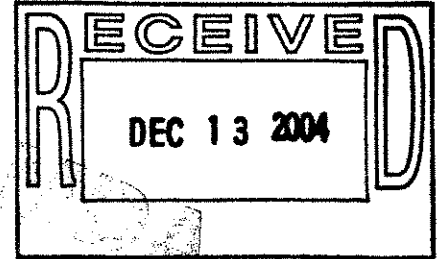
## ATTACHMENT F



Concerned Citizens of Agua Dulce, Inc.  
33201 Agua Dulce Canyon Road, #4  
Agua Dulce, CA 91390

December 2, 2004

Mr. Ed Marzec, Lobbyist  
515 S. Flower Street, #4400  
Los Angeles, CA 90071



Dear Mr. Marzec,

This letter is to notify you that Concerned Citizens of Agua Dulce, Inc. (aka.CCAD) does not approve or support proposals listed in your letter to Barbara Leichman, Attorney, dated November 18, 2004. Nor are we in favor of the changes you have proposed in the Airport's current operating permit 1404.

CCAD finds many of the proposals you listed heinous and antithetical to our community's rural atmosphere. However, we will limit this communication to those that we consider to be most detrimental to our rural lifestyle:

- Night landings which you have camouflaged under the language "two hour twilight window."
- Change of land use to include building 75 new homes.
- Building of 75 new hangars
- Unwillingness to consider change of airport use from public to private

CCAD is also concerned that you have failed to operate in good faith in negotiations with representatives of community groups and have attempted to subvert the negotiation process by using the press as a forum to disseminate information that was not presented during negotiations. We are also dismayed at widespread allegations that your office was involved in the recent attempt to corrupt our Town Council elections.

Another area of concern is that the primary stake holders in Agua Dulce Airport continue to remain anonymous. At the first negotiation meeting you tacitly admitted to Counselor John Murdoch that Mr. Wayne Spears has a large interest in the Airport. You agreed to have him attend the next meeting. Instead, you delayed the meeting for many weeks and then failed to produce Mr. Spears at the second meeting. Quite frankly Mr. Marzec, CCAD finds it highly suspicious that the real owner(s) of the airport property chooses to remain in the shadows.

Concerned Citizens of Agua Dulce



Due to these and many other factors which are related to lack of good faith in bargaining, CCAD will no longer participate in **your form** of negotiations at this time. It is imperative that any future negotiations take place under conditions of honesty and integrity.

In closing,  
Executive Board, Concerned Citizens of Agua Dulce, Inc

cc: Supervisor Michael Antonovich  
Mr. James Hartle, Director Regional Planning  
Andrew Fried, President Agua Dulce Town Council  
Agua Dulce Civic Association  
Country Journal  
Signal  
Antelope Valley Press  
Daily News

*Agua Dulce Civic Association  
33201 Agua Dulce Canyon Road  
Agua Dulce, California 91390*

OCT 20 2004

October 12, 2004

James E. Hartl  
Department of Regional Planning  
Room 1330  
320 West Temple Street  
Los Angeles, California 90012

Dear Mr. Hartl,

The Agua Dulce Civic Association would like to correct a number of issues raised in the letter sent to you by Edwin Marzec, dated October 7, 2004.

The foremost issue is Mr. Marzec's misconception that the Agua Dulce Civic Association is, "mostly composed of neighbors immediately adjacent to the airpark". Nothing could be further from the truth! The Civic Association, established in 1956, was the primary voice of the community until we helped to establish the Town Council at the request of Supervisor Antonovich in 1992. Today, the Civic Association works as the right hand to the Town Council and, as a property owners' organization, has continued to represent the **entire** community.

The Civic Association's Airport Committee was established forty five years ago in 1959 after the Civic and the community were deceived by two pilots who said they wanted to have a little airstrip for their personal use. The Civic Association Airport Committee has a mandate to keep Agua Dulce airport from growing beyond the level for which it was originally conditioned. It is important to note, for the record, that the State of California interpreted the original permit to allow no more than 20 planes on the property at any time. Nowhere in the records or subsequent modifications has the 20 plane limit ever changed. **For almost five decades, the Civic Association has tried to get the County of Los Angeles to enforce the permit and to protect the residents of Agua Dulce.** Enclosed are copies of some of the earliest letters from residents voicing opposition to any expansion of the Agua Dulce Airport – dated **forty five years ago.**

Mr. Marzec also incorrectly states that the Regional Planning hearing was to take place at the Agua Dulce Airport. This meeting is scheduled to take place at High Desert Middle School.

Mr. Marzec neglects to state that he assured those attending the September 30 meeting that he would have a preliminary plan ready for us to look at within two weeks. In addition, Civic representatives and our attorneys expressed many concerns regarding airport plans and operations, the primary one being that the airport must become a "privately owned special use airport", in order to coexist with the community. Mr. Marzec indicated that the airport owners were willing to agree to most of restrictions on the airport that we discussed.

Finally, Mr. Marzec made it clear that the airport needed a postponement of the Public Hearing to allow time for the development of a plan. In a show of good faith, the Civic agreed to not contest the postponement Mr. Marzec requested. Airport representatives, in turn, assured the Civic that there would be no further illegal development or any additional illegal construction of any type - as has been rampant on the property for the past four years. We interpreted this to mean that grading, paving, building, etc. would immediately cease.

**During the past four years the County of Los Angeles has consistently failed in its responsibilities to enforce the conditions of the airport permit - a permit that clearly states "any violation of the conditions will cause the permit to be revoked". Despite this fact, the Civic Association has never tried to close the airport and it is not our intention to do so now. We have tried for forty five years to insure the safety of our residents and to maintain the quite, rural lifestyle that makes Agua Dulce so unique. We have done this by opposing growth at what was supposed to be the "small landing strip" to be used by a couple of local residents.**

Respectfully,

Ramona Hall  
Nancy Young  
Co-Chairpersons

Agua Dulce Civic Association Airport Committee

C.C. MICHAEL ANTERIOVICH, 5TH DISTRICT Supervisor, LA. County Board of Supervisors  
PAUL NOVAK, Planning Deputy  
EDWIN K. MARZEC, Esq.

## ATTACHMENT G

October 14, 2004

Supervisor Michael D. Antonovich  
Los Angeles County Board of Supervisors, 5<sup>th</sup> District  
500 West Temple Street, Room 869  
Los Angeles, California 90012


Dear Supervisor Antonovich:

On behalf of the California Film Commission I would like to express my strong support for film and television production at the Agua Dulce Airpark in Agua Dulce. The California Film Commission works closely with local film commissions and communities throughout the state to promote an environment in which film production can succeed. The Agua Dulce Airpark Ranch has been very responsible in providing a great location to print ads, television shows, commercials and feature films since 1959 and strives to mitigate any impacts film and television production may have on their surrounding community. Their efforts are commendable because keeping production in California creates jobs and generates revenue for the County and State.

California's \$34 billion annual film industry sustains nearly 500,000 jobs for Californians, providing high-wage sector jobs, with average salaries 70% higher than salaries in other businesses statewide. Film production is a clean, non-polluting industry, and produces a tangible dissemination of revenue into a local community. Feature film productions are likely to leave thousands of dollars per day on location when shooting outside the Los Angeles region.

I hope that the Board of Supervisors will continue to support businesses that responsibly promote and sustain film and television production in California. The California Film Commission is proud to offer its support in keeping the Agua Dulce Airpark Ranch available to the entertainment industry.

Sincerely,

  
Amy Lemisch  
Director

cc: Mary Johnson, Agua Dulce Airpark Ranch, Community Relations

CALIFORNIA

FILM

COMMISSION

State of California



Arnold Schwarzenegger  
Governor

7080 Hollywood Blvd.  
Suite 900  
Hollywood, CA 90028  
323-860-2960  
323-860-2972 Fax  
800-858-4749  
filmca@filmca.gov  
www.filmca.gov

MELISSA GILBERT  
NATIONAL PRESIDENT



The Honorable Michael D. Antonovich  
500 West Temple Street  
Room 869  
Los Angeles, CA 90012

October 18 2004

Dear Honorable Antonovich,

I am writing on behalf of 60,000 members of Screen Actors Guild who live and work in Los Angeles County. We respect the long history the Agua Dulce Airpark shares with the entertainment industry and we support continued cooperation between the two.

Every day more production companies are leaving California. This "runaway production" problem doesn't just affect Californians in the entertainment industry. It affects mechanics, caterers, florists, drivers, doctors, restaurants, hotels, and other Californian businesses. When production companies go to another state or country to film, they take their money with them. This hurts everyone.

We believe that filming, conducted in a respectful and reasonable manner, is necessary, appropriate, beneficial and ultimately, in the best interest of all citizens living in Los Angeles County. Allowing filming in the Agua Dulce Airpark will help Los Angeles fight runaway production, which provides economic benefits to everyone.

Respectfully,

A handwritten signature in black ink, appearing to read 'M. Gilbert', enclosed within a large, loopy oval shape.

Melissa Gilbert  
National President  
Screen Actors Guild

Cc: Agua Dulce Airpark Community Relations

**SCREEN ACTORS GUILD**

5757 WILSHIRE BOULEVARD, LOS ANGELES, CALIFORNIA 90036-3600 ★ Tel. 323.549.6675 Fax 323.549.6677  
pres@sag.org ★ www.sag.org

Branch of Associated Actors and Artistes of America / AFL-CIO • • • Affiliate of International Federation of Actors

**AMERIFLIGHT**

September 3, 2004

The Honorable Michael D. Antonovich  
Los Angeles County Board of Supervisors  
500 West Temple Street  
Los Angeles, California 90012

Dear Mr. Antonovich:

I understand that the Board of Supervisors intends to review Agua Dulce Airport's use permit in the near future. In that connection, special attention needs to be focused upon the efforts of Mr. Barry Kirshner. In the relatively short period that he has been running Agua Dulce, he has made a stronger effort to promote safe flying, and more improvements to the airport's facilities, than I have observed in my 40 years of flying in southern California.

Resurfacing the runway and taxiways, providing usable wind direction indicators, clearing brush and debris from runway approach and departure corridors, and installing fences to keep deer and other animals off the runway directly have improved the safety of operations at the airport. Fuel is available, another significant improvement both from the standpoint of convenience and safety. His strict noise-reduction procedures and prohibition of night flying and touch-and-go landings not only contribute to safety, but reduce noise impact on neighbors.

Under Mr. Kirshner's auspices, Agua Dulce Airpark has hosted numerous public events, tours, fairs, and other activities directed outside the flying community. He has provided a swimming pool and a soccer field the property. He has made significant contributions to such local charities the Agua Dulce Women's club and the Lions Club.

I do not believe that it would be appropriate for the county to accede to the wishes of a small group of people who have chosen to buy residences near an airport that has existed for nearly 50 years, and then begin complaining about the noise. An airport, in that respect, is no different than a freeway, fire station, or public school. It is well known that it generates noise. The people acquired their homes with that knowledge, and probably at favorable prices as a result. Their complaints are no justification to subvert the interests of the general aviation community, and the majority of non-aviation citizens in the Agua Dulce area who support the airport. My specific concern is that, as a consequence of these complaints, the county may impose limitations on Agua Dulce Airpark's use permit that will destroy the airport's viability.

Mr. Kirshner's efforts have turned a run-down, marginally-safe rural airstrip characterized by weedy overgrowth, tumbledown buildings, and a potholed runway, into an attractive hub for recreational pilots and an asset to the local community. I believe Mr. Kirshner, and the airport, need and deserve the county's support — and specifically, your help in preventing conditions being attached to the airport's use permit that will reverse the progress Mr. Kirshner has made there.

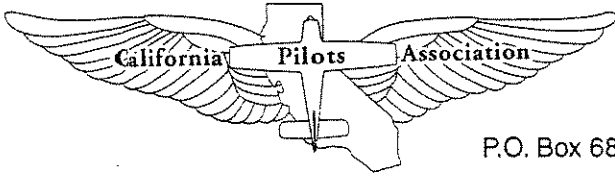
Thank you for your consideration.

Sincerely,

John W. Hazlet, Jr.  
Vice President - Flight  
Director of Operations

---

**AMERIFLIGHT, INC.**  
4700 EMPIRE AVENUE  
HANGAR #1  
BURBANK, CA 91505  
(818) 847-0000



*The Airport Defenders*

P.O. Box 6868, San Carlos, California 94070-6868 - Tel. 800-319-5286

---

September 8, 2004

Supervisor Michael Antonovich  
Hall of Administration, Room 869  
500 W. Temple St.  
Los Angeles, CA 90012

Re: Agua Dulce Airpark

Dear Supervisor Antonovich:

Our Association assists counties and cities in preserving California's public and public use airports. Agua Dulce Airpark is the region's on-ramp and off-ramp to the nation's aerial highways. It must be preserved for future generations of California users to serve those engaged in business, law enforcement, fire control and emergency relief.

Situated strategically between the San Andreas and San Gabriel Faults, the Agua Dulce Airpark demonstrated its value dramatically following the January 1994 Northridge earthquake. During the period of January 17 through January 23 the Airpark accommodated 234 inbound flights and 230 outbound flights. Users included personnel from the Los Angeles County Sheriff's Department, Los Angeles County Fire Department, Atlantic Richfield (pipeline survey), General Telephone, Santa Monica Police Department, Los Angeles County Department of Water and Power, Allstate Insurance Company, Rasmussen Construction Company, Radio Station KLOS, and Daugherty Company Insurance Brokers. In addition, there were numerous individual flights by private users for urgent personal transportation purposes.

The Airpark has a long history as an emergency landing airport for overflying aircraft experiencing mechanical difficulties. It also serves as an alternate airport for aircraft arriving from the east or north that are unable to enter the Los Angeles Basin because of bad weather.

Agua Dulce Airpark must be preserved and operationally enhanced as an important part of Los Angeles County's transportation infrastructure. As the area's population increases, the Airpark will be of great benefit to future generations of Los Angeles County residents.

Thank you for considering this request.

Yours truly,

Jay C. White, President

.....

Michael Stewart  
4020 Homestead Ridge Dr.  
Cumming, GA 30041

Michael W. Stewart

September 3, 2004

Agua Dulce Airpark

Dear Sir or Madam:

I am writing this letter in support of the airpark. This airpark, and others like it, are what the American dream is made of. The freedom to fly is as basin as the freedom to drive. As a community that has been serving the area for years, it is critical that we preserve its state, and continue its improvements. This airpark adds value to the community and should be hailed as a contributor.

Sincerely,

Michael W. Stewart  
678.571.9319 cell

.....



**City Appraisal Services**  
9100 Sierra Highway  
Agua Dulce, CA 91390  
Phone: (661)268-1098 FAX: (661)278-1816

September 1, 2004

To whom it may concern:

I am writing to state my support for the Agua Dulce Airpark, on both a personal and professional level. My home and office are located in the town of Agua Dulce. My property is located in the landing pattern of the airpark and we have planes flying overhead several times a day. They have never disrupted my business or my enjoyment of my property. My horses and dogs have never exhibited distress related to the occasional loud plane and I have never even remotely felt my safety threatened as I float around in the pool with my kids, trying to identify which plane is which, as it goes by.

I have a very difficult time understanding the high level of vitriol the "Concerned Citizens of Agua Dulce" exhibit toward the airpark and its current activities. When I purchased my property 4 1/2 years ago, after a 6 year dream of moving here, I was aware of the existence of the airpark. One of the big contributors of the "small town" atmosphere, and our desire to share in it, were the activities the airpark put on, which we attended for years before we were "residents". My children and I share many wonderful memories of 4th of July fireworks, breakfasts in the Hangar, and tailgate picnics while watching planes take-off and land. We have enjoyed many movies pinpointing just where in Agua Dulce this shot or that scene took place. All these activities occurred prior to Barry Kirshner's ownership.

While Mr. Kirshner has expanded the airpark's operations, they all seem to me to be passive, positive additions. He has gone out of his way, and to great expense, to update the hangar's, making them comply with the "Western" style our Proposed Community Standards express. He has provided a soccer field so our children do not have to travel to Acton, or the poorly maintained yard area at the grade school, for practice. He has built a much needed community swimming pool and recreation area for our children, as well as welcomed our teens, with previously no place close-by to congregate, into the terminal for games of pool, karaoke and television. When discussing our community with those interested in moving to an area like Agua Dulce, the biggest negative issues always mentioned are the lack of community amenities - parks with playgrounds, teen activities, shopping and, until recently, a gas station. It seems to me Mr. Kirshner listened to community members and not only made a commitment to provide many of those things, but put his money where his mouth was.

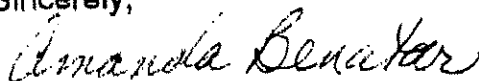
On a professional level, it would be significantly more beneficial to have 30-40 single family custom homes valued at 1million+ in the area than to have a couple of hundred tract quality homes (the intent of the other interested buyer at the time Mr. Kirschner purchased the airpark). This can only have a positive affect on market values in the area. Many peoples response to this is that they have no plans of moving and so market values do not affect them. That is a naive statement. Most people, even if they live in their homes for 30 years, typically refinance, get an equity line or 2nd mortgage on their home several times throughout their ownership period. All of those financial products are dependent upon the current value of their home. That is a fact that affects every pocketbook in Agua Dulce!

As far as those professing a negative influence on property values since Mr. Kirshner's ownership I can only say, show me the proof. Yes, it is true that at least one resident has received an appraisal report in which there is an adverse influence due to air traffic (noise). But that adverse influence is no different today than it was 5, 10 or 20 years ago. If your home is in the take-off or landing pattern of an airport, located on a busy street or next door to commercial space, there is a negative affect on the property. That influence was factored into the price of the property when it was purchased then and has not changed. It is the existence of the development or zoning that affects market value on adjacent properties, not who happens to own it currently. It is a fact that a poorly maintained airpark could adversely affect the entire community, while a well-maintained and managed airpark canhave a positive affect on values.

Agua Dulce is a growing community with many different factions wanting input on its growth and direction. One thing all these factions have in common is keeping the "rural" feel and "small town" atmosphere of Agua Dulce intact. As a "Concerned Resident" of the community, it is important to consider the impact on the community as a whole when considering a project, as opposed to focusing on the impact to a minority of residents. I do not see how the Agua Dulce Airpark's current or proposed activities endangers that common goal. In fact, I feel that, properly managed, it only enhances it.

Thank you for taking the time to consider my comments.

Sincerely,



Amanda Benatar  
Certified Residential Real Estate Appraiser  
& Resident of Agua Dulce

# BOSTON-HENRY COMPANY, INC.

WATER PUMP SYSTEMS

40 YEARS EXPERIENCE  
CUSTOM DESIGN AND ENGINEERING

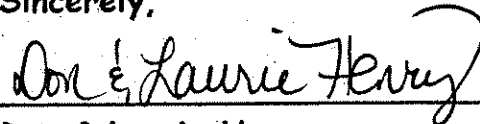
October 7, 2004

To Whom It May Concern:

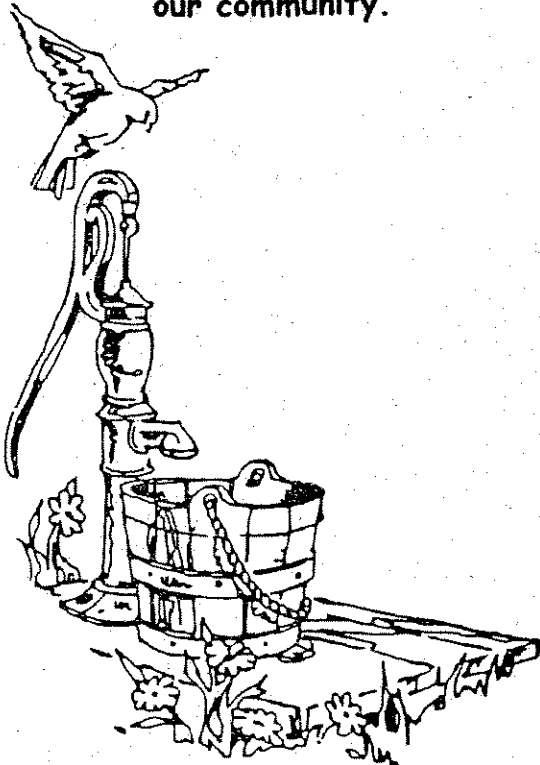
We support Agua Dulce Airpark's place in the community and its long and proud history of community involvement. The Agua Dulce Airpark has been serving the community since 1959 and our family since 1973. We have been blessed to raise our four children in this wonderful town and many fond memories are of them watching the planes come and go as we ate at the airport café.

We further support Agua Dulce Airpark's improvement of its facilities and continuing efforts to serve the community. The Agua Dulce Airpark is a beneficial asset and an integral part of the community. An added asset is our friendship with the owner, Barry Kirshner and we are so thankful for all he has done for our children and our community.

Sincerely,



Don & Laurie Henry  
35450 Peppertree Lane  
Agua Dulce, CA 91390  
(661) 268-1731



33605 AGUA DULCE CANYON ROAD • AGUA DULCE, CALIFORNIA 91390

(661) 268-1731 / 259-0452

CALABASAS (818) 703-6641

October 10, 2004

To: Los Angeles County Department of Regional Planning  
Los Angeles, CA 90012  
Attn: Samuel Dea

From: Rick Rezabek  
14523 Grandifloras Road  
Canyon Country, CA 91387-5923

Subject: Agua Dulce Airpark Ranch – Special Use Permit 1404- (5)

Ladies, Gentlemen and Neighbors,

I am writing this letter in support of Agua Dulce Airpark Ranch, and in particular, the wonderful stewardship this historical airpark has benefited from by Barry Kirshner.

I regret that I won't be at the Hearing on October 23, 2004, but I hope you will consider this letter in the overall record, and possibly read it to the neighbors who are gathered to discuss the Airpark.

I am a small business owner in the local area (I run an Engineering Services firm for the Aerospace Industry). We employ 30 people, many of whom have friends in the Agua Dulce community. Agua Dulce Airpark is my home location for commuting to work locations with my General Aviation airplane.

General Aviation is the branch of aviation that most resembles the grass roots of flying that would be recognized by the Wright Brothers, if they were alive today. It largely consists of owners and operators of aircraft for personal and small business use. We all have duties and obligations that are regulated by the Federal Government, to many degrees more than any use of a personal car, or any other property we own.

I have been in the Aerospace Industry for 24 years, and have been blessed to work on some of the most technologically advanced aircraft such as the F-117A Stealth Fighter in Burbank, and the X-35 Joint Strike Fighter, in Palmdale. I was fortunate to be chosen as the Chief Engineer for the X-35, and performed that program with 1000 great people at Lockheed Martin Skunk Works here in LA County. We won many awards, and our airplane is now on display in the Smithsonian Institution's New Air and Space Museum at Dulles airport in Washington, DC. I hope you agree that my aviation credentials are worth considering.

While the world of large scale Aerospace is a wonderful industry, and has created wonderful careers and products for the world, the universe of General Aviation, and the small operators of aircraft, maintenance operations, airports, and airparks such as Agua Dulce Airpark Ranch hold a special place. They hold the original freedoms and spirit that created aviation in the first place.

I have toured the country with my own airplane, a 1947 Stinson Voyager. I had the great honor of flying my Stinson Voyager to Oshkosh, Wisconsin this July and August, 2004, for the annual event hosted by the Experimental Aircraft Association. I wish you all could have been there. The magnitude of the breadth of Aviation careers, enthusiasm, and community you see at Oshkosh is different than any other event you might have the opportunity to attend on earth. There are 10,000 airplanes that gather there over the course of about 2 weeks, and over 200,000 people who make the Oshkosh community their home for that time. One of the most telling things about the family of Aviation people is that you walk several square miles of display areas, aircraft, and campgrounds, and you will not find a scrap of trash anywhere! That is how much a sense of ownership and pride that people take in the community of General Aviation. I mention this story, because Agua Dulce Airpark holds to that standard. Go visit on a weekend. You will find an atmosphere and cleanliness that is the same, and shows that same sense of pride and community.

I traveled to many airports this past summer, from California, to Arizona, New Mexico, Colorado, Nebraska, Iowa, Wisconsin, Minnesota, North Dakota, South Dakota, Utah, Nevada, and back to California. People at all of these places live their lives in a spirit of helping others. Agua Dulce Airpark was

one of the very jewels of my trip, who display this spirit every day, and the community of Agua Dulce should be proud of it.

I have watched the Airpark serve many critical functions over just the few years I've been a tenant. I've watched as Fire Fighting helicopters stop to refuel as they're fighting brush fires on the hills of our community to the North and East last year. I've had a brush fire burn my property in Canyon Country, and we all know what we would give to have resources immediately available when our time of need comes. The Airpark directly helps make that happen. I've watched Life Flight aircraft pick people up, for transport to a far away hospital where specialized medical treatment is available. These resources are getting more valuable as time goes on, and medical care gets farther and farther away.

My aircraft and many others are registered with the State and County and available for disaster relief services, if needed. The County considers our aircraft and our ability to operate from neighborhood airports a valuable resource for all of us. How many of us were affected by the Northridge earthquake and cutoff for a time from LA, because of the Hwy 14 interchange collapse? I will be there to help you if anytime like that happens again, and you need to get a loved one to a hospital.

We are blessed by a High Desert climate. It is sunny here almost every day. There are a majority of days where the LA basin is cloudy and socked in by a marine layer, or other clouds. It is an important safety element of flying that there are airports nearby that have the possibility of providing a clear, visible set of flight conditions for landing, if your desired airport is fogged in, and you don't have the equipment and skills to land through the clouds. We take these things for granted these days, and expect our big airliner flights to do magical things, in any weather. The skills the airline pilot has for flying through these conditions, he or she learned in aircraft like mine, and at airports similar to Agua Dulce. It is many factors like these that the average person doesn't get exposed to very often, and that keeps the world of aviation one of those things that isn't understood, as much as we would like.

You might think it overly adventurous that I am willing to fly a 1947 vintage aircraft across the mountains of the West, and across most of the United States. But, that is another illustration of why Aviation is different from our other daily lives, and why it is deserving of our care and nurturing for generations to come. I mentioned Federal Government regulations earlier. I get a flight physical every two years to ensure I am medically fit to fly. My aircraft is the best-maintained piece of property I own. I expect it for safety, and the Federal Government requires it. I perform a detailed annual inspection every year, with licensed inspectors from the FAA who look at every element of what makes an aircraft airworthy to ensure it is in a safe condition. Considering that most of us are lucky to fly for possibly 200 hours a year, that would be like taking your car in for a detailed 60,000 mile inspection 4 times a year! The Federal government requires that level of care and safety for General Aviation aircraft, and we all take that responsibility very seriously.

I would be happy to share these experiences with anyone in the community who would like to try flying and see the care that we all take to ensure the airport and flying continue to be safe. We all know that airplanes hold a special amount of recognition and are seen as one of those things that are unfamiliar. I'd like to help make it an experience that will be seen as a benefit to the community and our civilization. Ask for me through Dave or Barry at the Airpark.

It is critical for the well being of our civilization to encourage the small airports, the small business owners, the small aircraft operators that keep the spirit of flying alive, and bring new people into these careers. I mentioned spending time at Oshkosh, Wisconsin this past summer. As I walked the tie down areas where thousands of aircraft from the past 90 years of America and the world were gathered, I paused to reflect; How great is our country, and our civilization, where we can encourage people to dream of new things, and to build them, and to try different ideas with the hope and expectation they will be better than before, have more performance, utility, and safety, than others had done before. A civilization where people were encouraged to do it, and to make these things available for others. The creativity that was visible there at Oshkosh, and in a small version, is visible every weekend at Agua Dulce Airpark is seen very few places on earth. In this time where our civilization is challenged directly, we need to constantly remind ourselves what we have built in this country and land of ours, and what we should do together to recognize it and protect it.

If you haven't visited Agua Dulce Airpark, please do. There is one characteristic that a well-run small airport has to the most casual visitor. The people are happy when they're there. It is a place of community, a place where people go out of their way to help you. They exhibit personal and family behavior that isn't seen much these days. Resident neighbors and renters at the airport know each other better than the typical residential area in our home neighborhoods. Agua Dulce seems to value that sense of small community that has been left behind in so much of our lives. The Airpark community is holding to that spirit, and trying to build on it, and improve it for the community of Agua Dulce. Barry's sense of community is paramount as he has first developed soccer fields, an olympic size swimming pool, a moto-cross course, and kept great horse riding trails for the community. His vision will only improve the community, and come to be seen as a continued special place. I would hope that Agua Dulce residents would recognize that spirit as their own, and come out and share in the community at the Airpark, and hold a special pride in protecting some of the fundamental things that make America the wonderful place it is.

Rick Rezabek  
Canyon Country, CA

Mail :: INBOX: Letter of Support

Date: Tue, 7 Sep 2004 16:21:02 -0500

From: Undisclosed Recipients

To: support@aguadulceairpark.com

Subject: Letter of Support

Tuesday, September 7, 2004 at 16:21:02

To Whom it May Concern: I support Agua Dulce Airpark's place in the community and its long and proud history of community involvement. The Agua Dulce Airpark has been serving the community since 1959.

I further support Agua Dulce Airpark's improvement of its facilities and continuing efforts to serve the community.

The Agua Dulce Airpark is a beneficial asset and an integral part of the community.

Thank you.

Name: Charles Wallasch

Address: 33270 Margarita Hills Drive

City: Acton

State: CA

Zip: 93510

Phone: (661) 268-8853

E-Mail: cwallasch@earthlink.net

Signed: Charles Wallasch

Comments: I purchased land in Acton in 1982 and built our home there BECAUSE of the Agua Dulce Airport! I am a longtime pilot and flight instructor who has been flying into this beautiful little airport for over 25 years. Agua Dulce Airpark is a cherished part of our wonderful little community and is supported or ignored by the vast majority of our residents. It is very disgusting to watch a small minority of people doing everything in their power to destroy OUR community airport, including hijacking our own government with their incessant whining, complaining, and bogus trumped up charges. Mr. Kirshner has only improved this great asset to our community with the wonderful improvements to the airpark. My family, and so many others in Acton/Agua Dulce now look forward to visiting the airport and making use of the wonderful facilities or just hanging out and having a bite to eat with friends. The Airport has given some of our communities young people a great place to work, and hopefully will inspire some of them to go forward and pursue careers as professional pilots. If we don't have local airports for kids to hang out and dream of becoming pilots, where is the future pilot of the Medivac Helicopter, Law Enforcement Aircraft, Fire Fighting Aircraft, News Helicopter, etc going to come from? Lets get the silent majority to speak up before our community loses something so precious because of the actions of a few.

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support

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**To:** <support@aguadulceairpark.com>  
**Sent:** Saturday, October 09, 2004 4:48 PM  
**Subject:** Letter of Support

Saturday, October 9, 2004 at 18:48:04

To Whom it May Concern: I support Agua Dulce Airpark's place in the community and its long and proud history of community involvement. The Agua Dulce Airpark has been serving the community since 1959.

I further support Agua Dulce Airpark's improvement of its facilities and continuing efforts to serve the community.

The Agua Dulce Airpark is a beneficial asset and an integral part of the community.

Thank you.

Name: John Hayward

Address: 33496 Overland Trail

City: Agua Dulce

State: ca

Zip: 91390

Phone: 661-268-0381

E-Mail: [justnjoett@aol.com](mailto:justnjoett@aol.com)

Signed: john hayward

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**Mary Johnson/Agua Dulce Airpark**

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**From:** "Thorin, Thomas H (NSD)" <Thomas.Thorin@ngc.com>  
**To:** <sdea@planning.co.la.ca.us>  
**Cc:** <mary@aguadulceairpark.com>  
**Sent:** Friday, October 08, 2004 2:28 PM  
**Subject:** Resolution of Agua Dulce airpark issues

Mr. Sam Dea  
Regional Planning  
LA County

8 Oct 04

Dear Mr. Dea,

I am one of the aircraft hangar owners at Agua Dulce Airpark and I wish to convey my support for the management of one of the finest airports we have in the area.

Some of the issues surrounding the improvement to the facility are not entirely clear from an objective standpoint. If you have time, could you please forward them to me. I understand the usual complaints may be at issue to those residences new and old surrounding the airport: noise and safety. If there are areas we as pilots can avoid when in the flight pattern to ease the situation we will comply. Right now my aircraft is hangared in Compton and I look forward to moving to Agua Dulce as soon as possible.

I believe it is in the best interest of the County, Agua Dulce Airpark be allowed to continue it's road to improvement. The Agua Dulce Airpark is a leader in the trend at improving airports in the Country. Nationally, the number of airports is dwindling and the need for this type of airport in Los Angeles County where the population is increasing has merit.

I know the owners of Agua Dulce Airpark are very sincere in what they are doing: providing for the community at large. Their compliance to rules and regulations is primary and the acceptance of responsibility for community involvement is necessary.

Your kind attention to this matter is appreciated.

Sincerely,

Thomas H. Thorin  
8807 Topanga Canyon Blvd.  
West Hills, CA 91304  
818-888-7753

To Whom it May Concern:

I support Agua Dulce Airpark's place in the community and its long and proud history of community involvement. The Agua Dulce Airpark has been serving the community since 1959.

I further support Agua Dulce Airpark's improvement of its facilities and continuing efforts to serve the community.

The Agua Dulce Airpark is a beneficial asset and an integral part of the community.

Thank you.

Name: John Battista

Street Address: 17021 Simonds St

City: Granada Hills State: CA Zip: 91344

Phone: (818) 470-4344

E-mail: bulldoze99@aol.com

Signature (on line users type name): John Battista

Comments: Don't close it down !!

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

To Whom it May Concern:

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I further support Agua Dulce Airpark's improvement of its facilities and continuing efforts to serve the community.

The Agua Dulce Airpark is a beneficial asset and an integral part of the community.

Thank you.

Name: Scott Griffin

Street Address: 12000 W. Anteros Dr.

City: Agua Dulce State: CA Zip: 91390

Phone: 268-0230

E-mail: scottandalene@cs.com

Signature (on line users type name): Scott Griffin

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

To Whom it May Concern:

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The Agua Dulce Airpark is a beneficial asset and an integral part of the community.

Thank you.

Name: MARK NIELSEN

Street Address: 3719 NICKELS AVE.

City: ACTON State: CA Zip: 93510

Phone: 661-269-2526

E-mail: NAFMARK@VERIZON.NET

Signature (on-line users type name): Mark Nielsen

Comments: \_\_\_\_\_

Email: [support@aguadulceairpark.com](mailto:support@aguadulceairpark.com)

Web: [www.aguadulceairpark.com/support](http://www.aguadulceairpark.com/support) Tel: 661-268-8835

To Whom it May Concern:

I support Agua Dulce Airpark's place in the community and its long and proud history of community involvement. The Agua Dulce Airpark has been serving the community since 1959.

I further support Agua Dulce Airpark's improvement of its facilities and continuing efforts to serve the community.

The Agua Dulce Airpark is a beneficial asset and an integral part of the community.

Thank you.

Name: KEVIN & DAWN CLARK

Street Address: 11606 ADOBE WY

City: AGUA DULCE State: CA Zip: 91390

Phone: (661)-268-7442

E-mail: LEMONDROPKID@ROCK.COM

Signature (on line users type name): *AlawndKClark*

Comments: I THINK THE AIR PARK IS WONDERFUL.  
I'VE BROUGHT MY KIDS THERE FOR LUNCH SO THEY  
COULD WATCH THE PLANES. IF PEOPLE DIDN'T LIKE THE  
AIR PARK - THEY SHOULDN'T HAVE BOUGHT/BUILT NEAR ONE!

To Whom It May Concern:

I support Agua Dulce Airpark's place in the community and its long and proud history of community involvement. The Agua Dulce Airpark has been serving the community since 1959.

I further support Agua Dulce Airpark's improvement of its facilities and continuing efforts to serve the community.

The Agua Dulce Airpark is a beneficial asset and an integral part of the community.

Thank you.

Name:

JOHN DIONISIO

Street Address:

1776 ASPEN VILLAGE WAY

City:

WEST COVINA CA

State:

Zip:

91791

Phone:

626 315 1821

E-mail:

LDYFLIER@AOL.COM

Signature (on-line users type name):

John Dionisio

Comments:

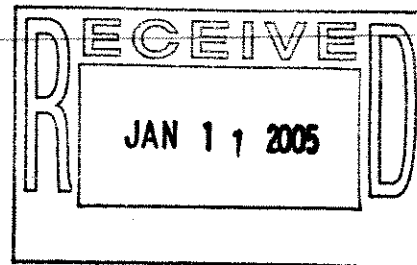
KEEP UP THE GOOD WORK

Email: [support@aguadulceairpark.com](mailto:support@aguadulceairpark.com)

Web: [www.aguadulceairpark.com/support](http://www.aguadulceairpark.com/support) Tel: 661-268-8835

Osuna, Susie

To: r.wachs@comcast.net  
Subject: RE: Aqua Dulce Airport



January 11, 2005

Dear Mr. Wachsmuth:

Thank you for your recent email expressing support for the Agua Dulce Airpark. I appreciated it.

The Agua Dulce Airpark has been the focus of much attention and controversy for the last few years. The County is striving diligently to balance the rights of the property-owner with the desires of nearby residents who seek a peaceful existence in a relatively low-density, rural, and equestrian community. There are legitimate points offered by both supporters, such as yourself, as well as opponents of the Airpark, and I will continue to listen to all of these views.

The Regional Planning Commission has scheduled a public hearing for January 22, 2005 to consider revoking or modifying the use permit for the Agua Dulce Airpark. The hearing will be conducted at High Desert Junior High School, 3620 Antelope Woods Road in Acton and begin at 9am. Copies of letters and petitions concerning the Agua Dulce Airpark are being forwarded to the Department of Regional Planning and the Regional Planning Commission.

Thank you again.

Sincerely,  
MICHAEL D. ANTONOVICH  
Supervisor

MDA:pno

cc: Department of Regional Planning

-----Original Message-----

**From:** Antonovich, Michael  
**Sent:** Monday, January 10, 2005 2:31 PM  
**To:** Barger-Leibrich, Kathryn; Novak, Paul  
**Subject:** FW: Aqua Dulce Airport

-----Original Message-----

**From:** Robert Wachsmuth [mailto:]  
**Sent:** Monday, January 10, 2005 10:27 AM  
**To:** Antonovich, Michael  
**Subject:** Aqua Dulce Airport

Dear Supervisor Antonovich,

Please lend a hand in our effort to keep Aqua Dulce Airport open and functioning as it is now, and has since 1959.

I am a retired deputy sheriff, 33 1/2 years, and as such I have seen a lot of things happen in our county since you have been our supervisor. I have always been proud of your actions.

I think an airport is not entirely unlike a golf course, they both provide vital ways in which our citizenry can relax and enjoy life.

But an airport provides even more. It can be a vital link in the way government responds to natural disasters. Aqua Dulce Airport did provide such assistance during the Northridge earthquake. I was there and was a volunteer.

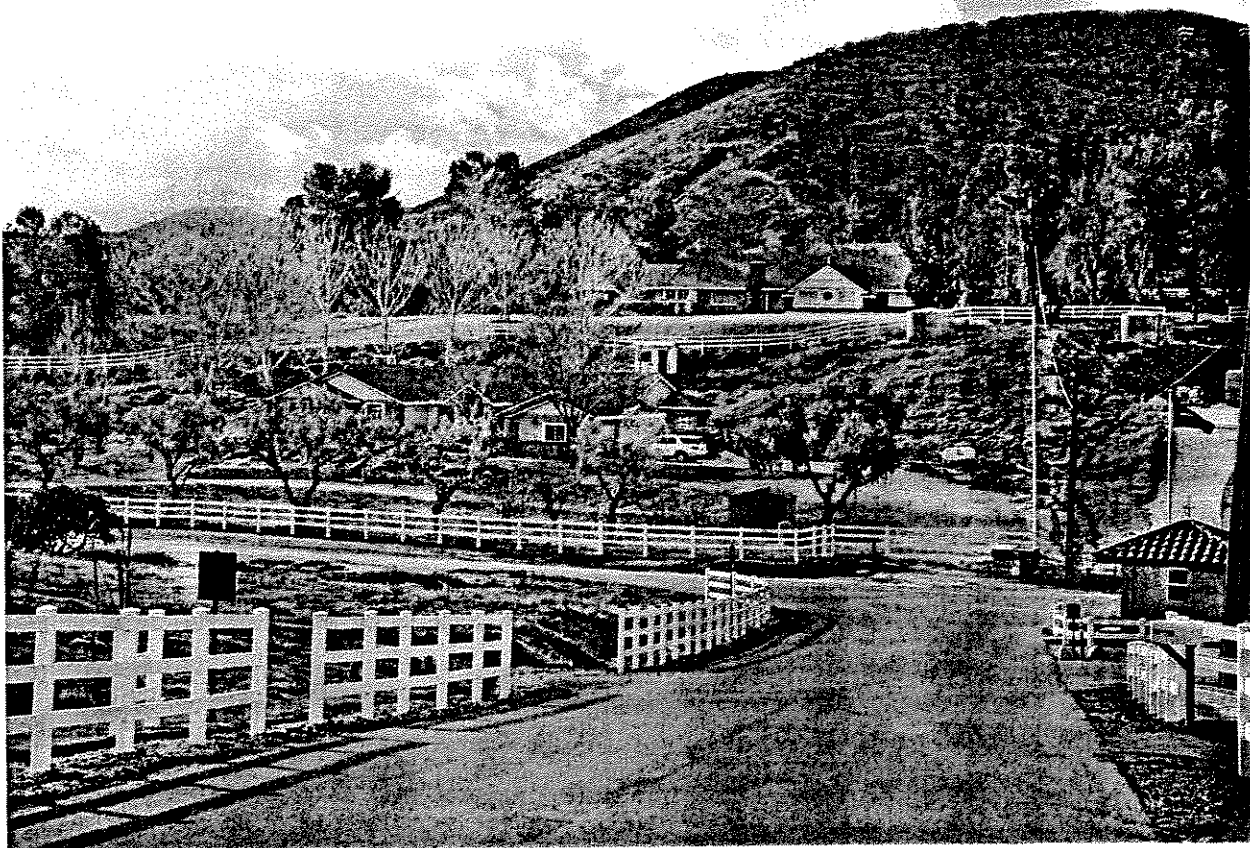
Aqua Dulce Airport can also provide a command center during fires and floods for helicopters and small aircraft to operate in the disaster area.

Mike, please support our airport.

Bob Wachsmuth  
22996 Sycamore Creek Drive,  
Valencia, 91354



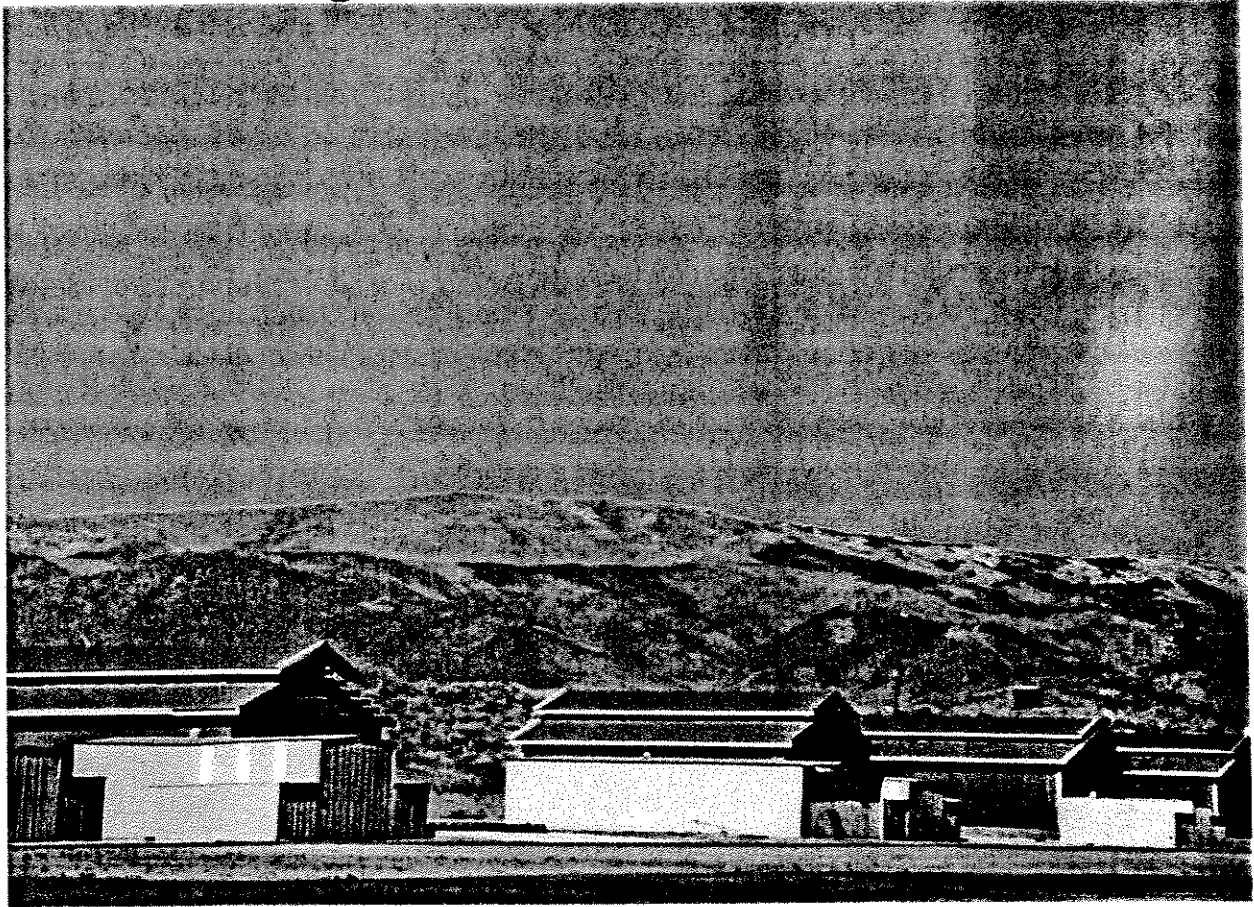




Airport entrance fronting on Agua Dulce Canyon Road



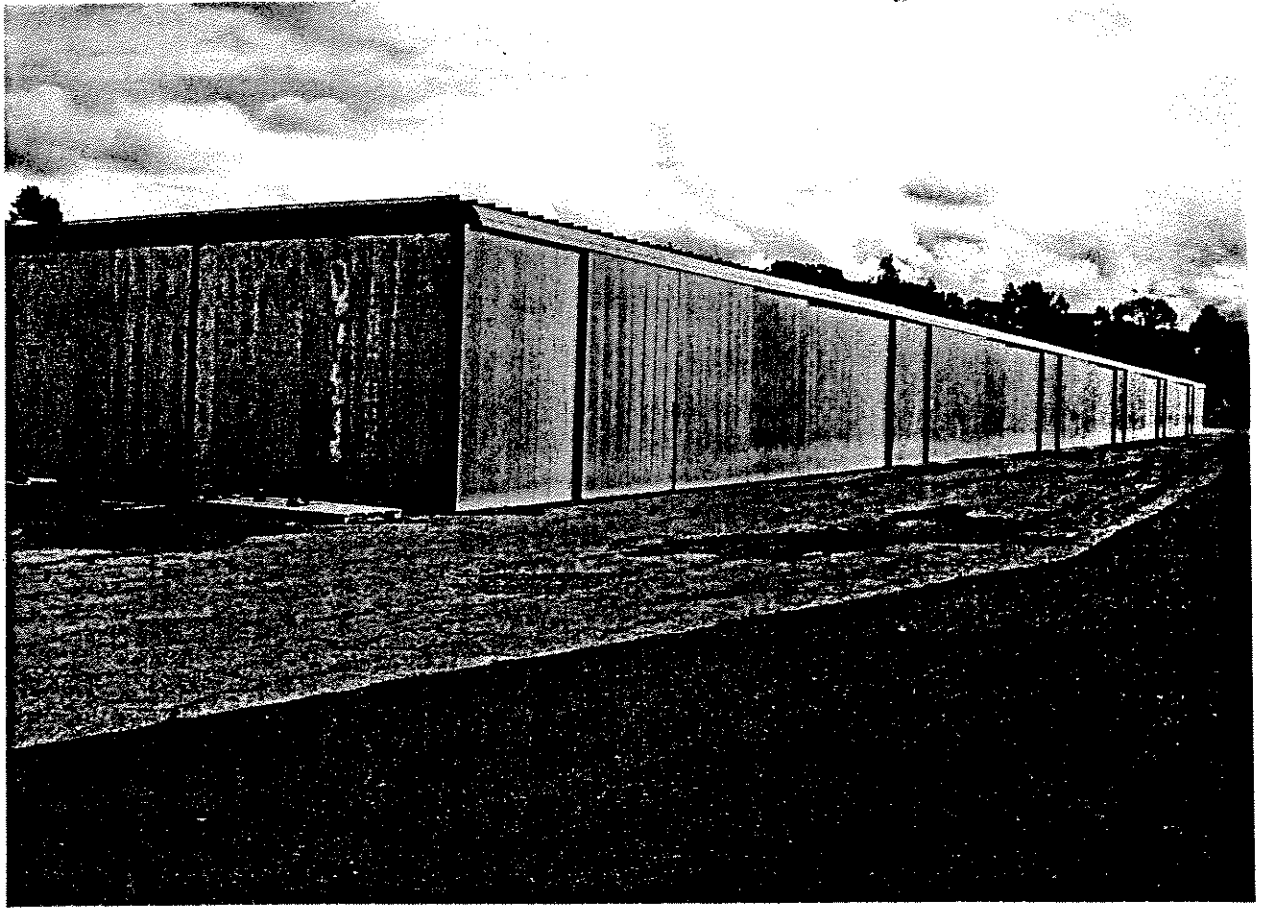
Airport parking lot



Storage hangers (the new hangers are in the background)



New hangers



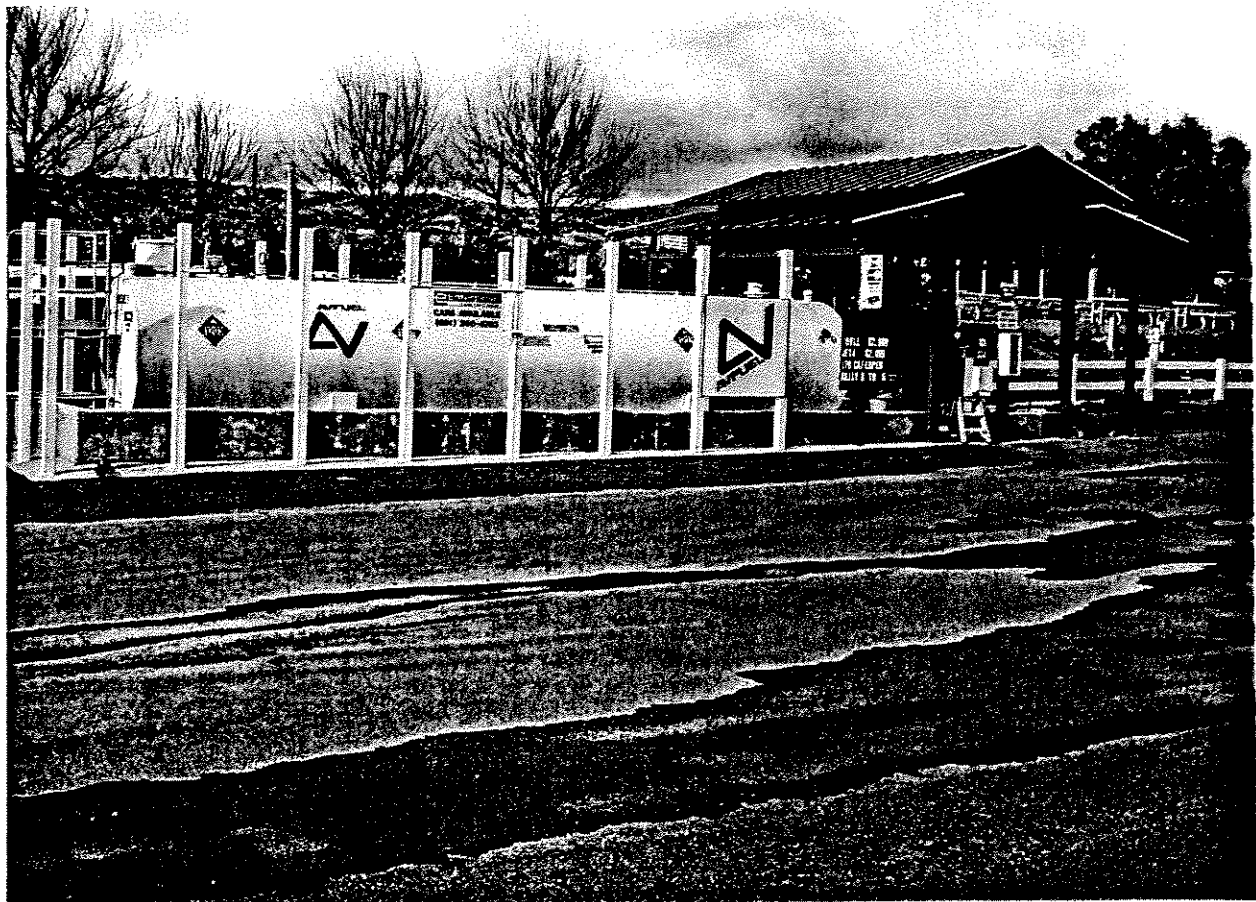
Additional hangers located at the west end of the runway



West end of the runway with illegal tie-down area to the right

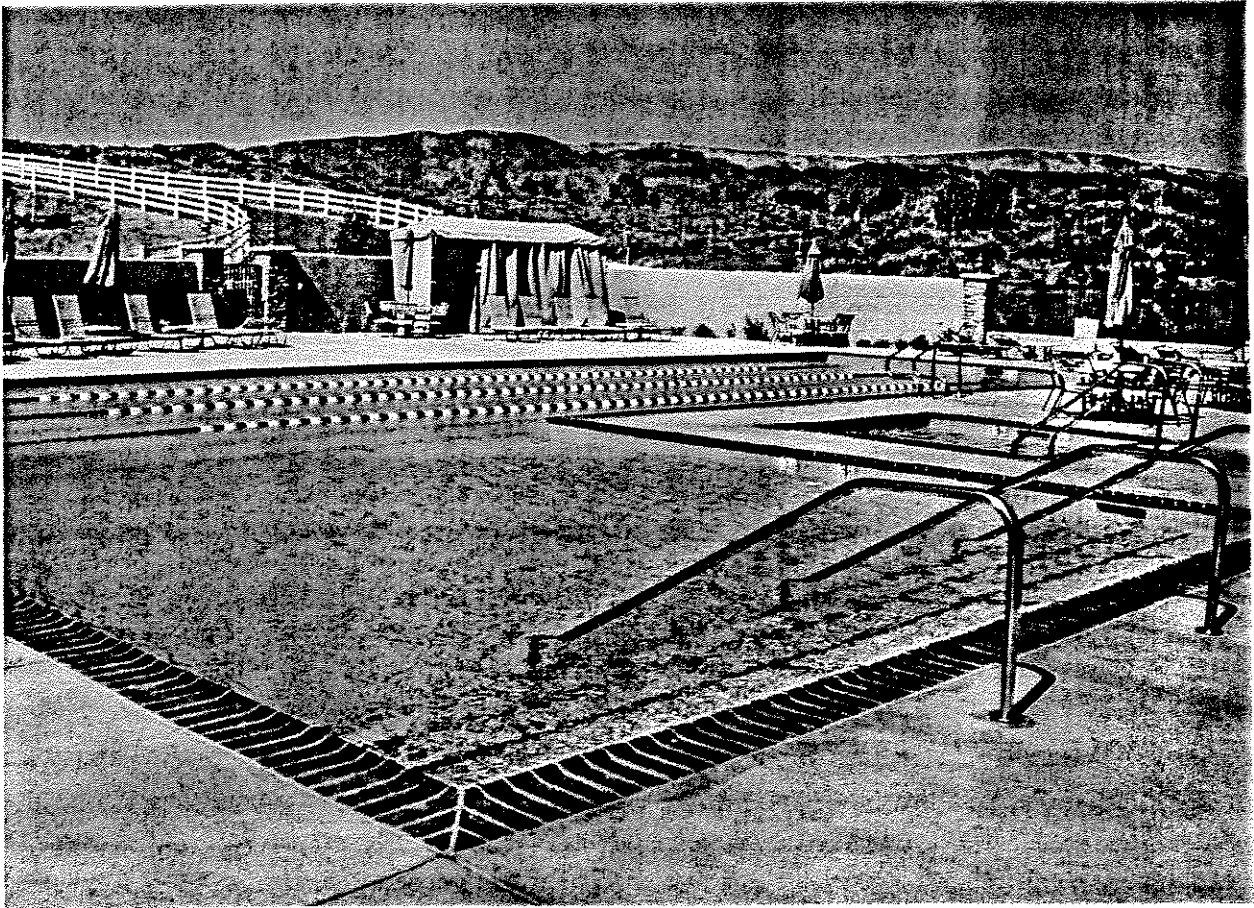


Café and office

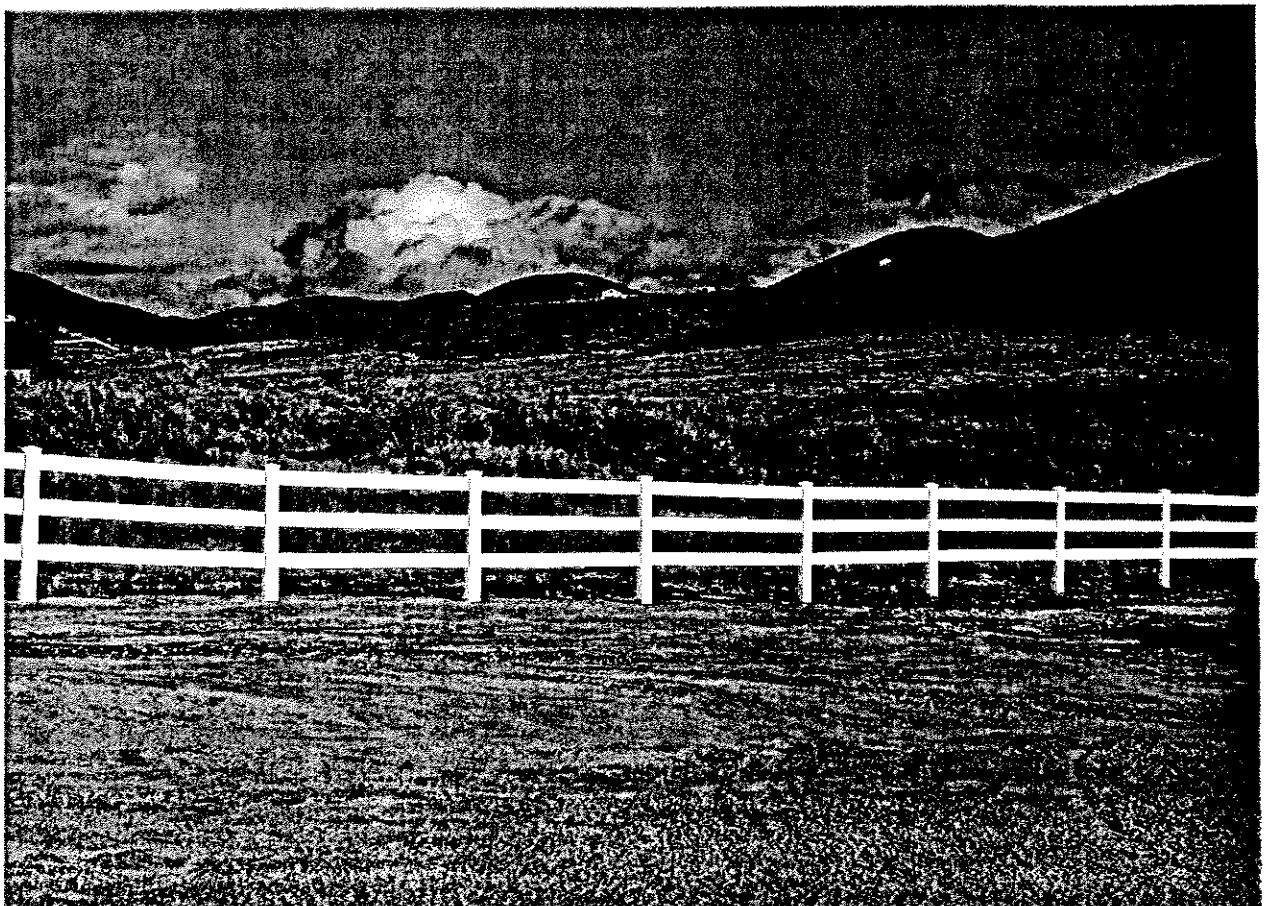


Fuel storage area





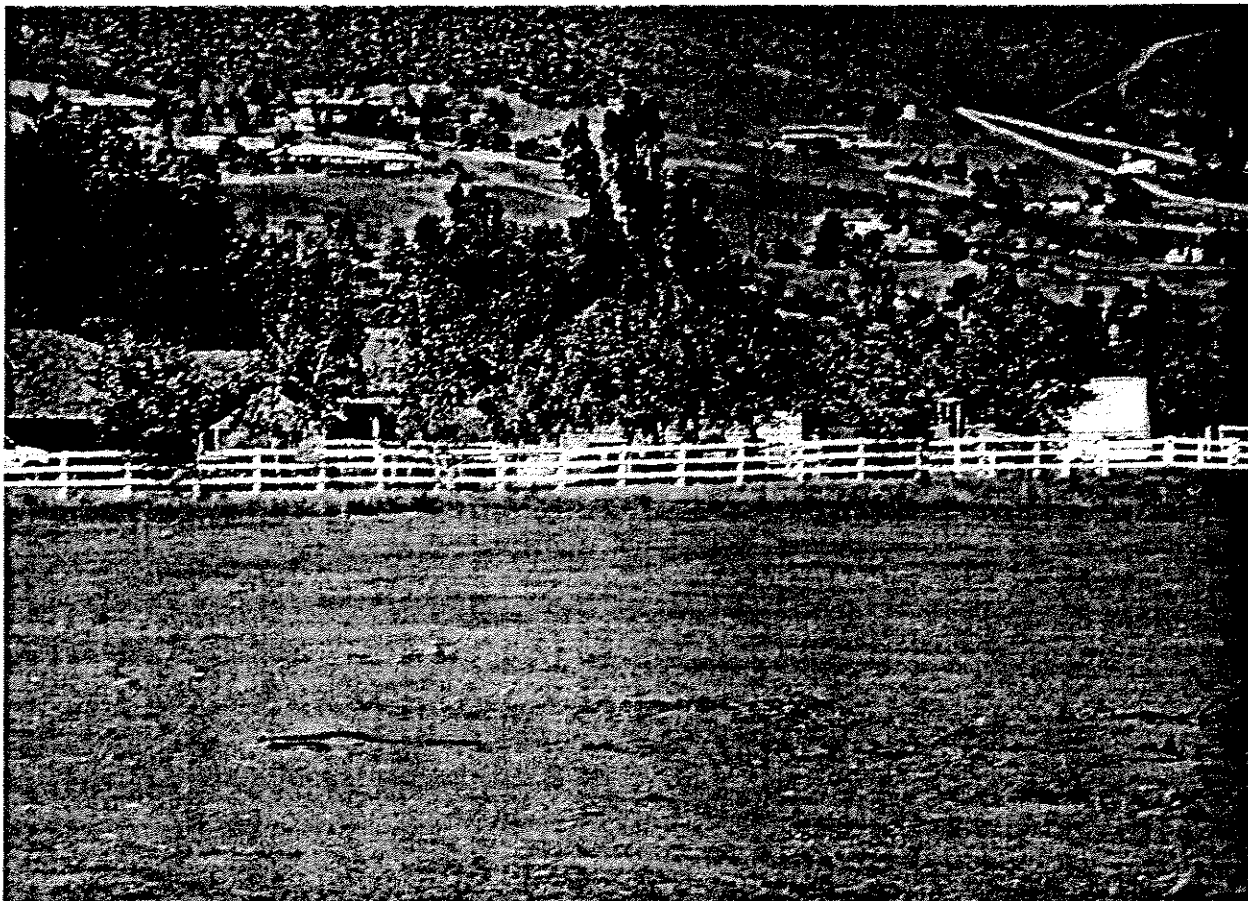
Approved swimming pool



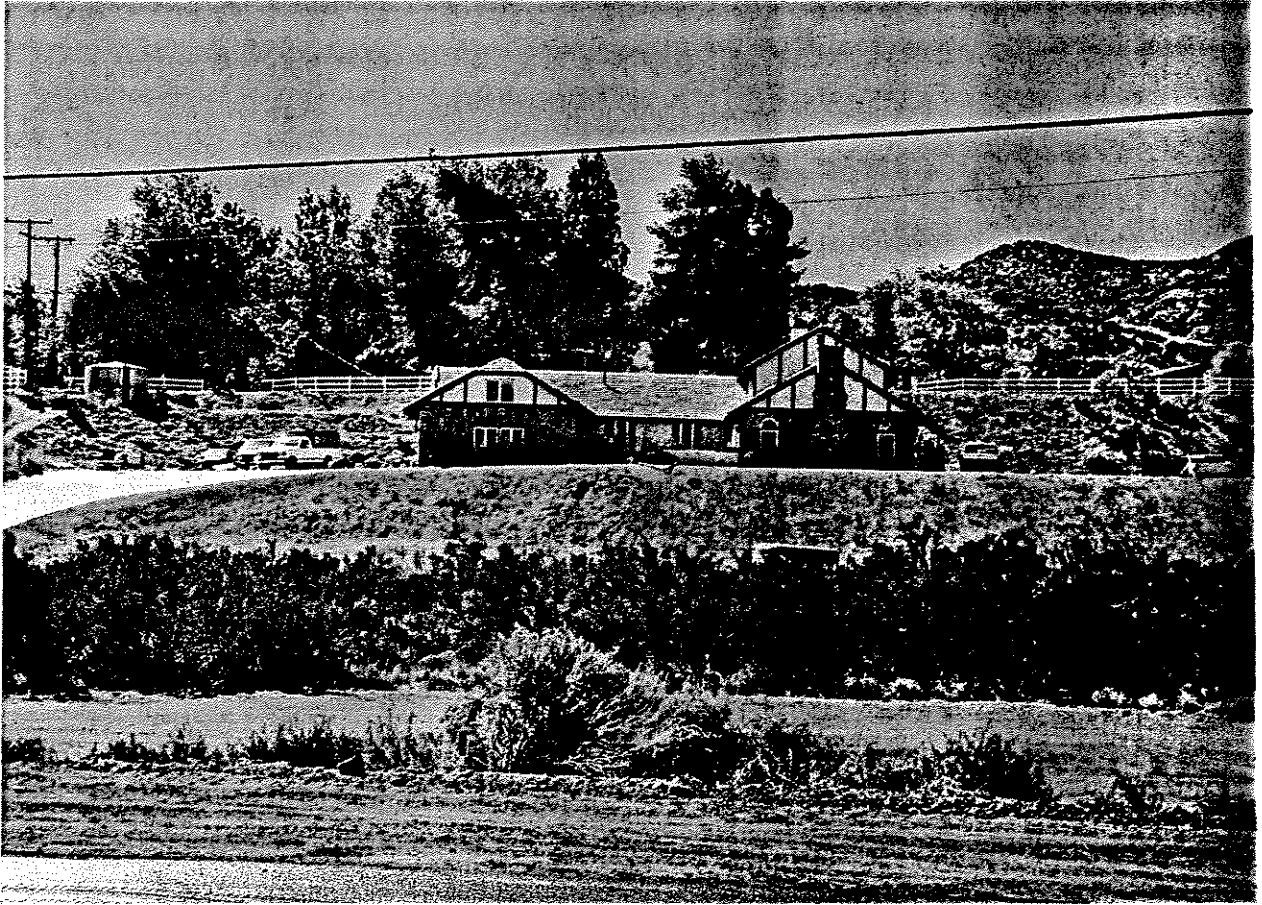
East end of the runway



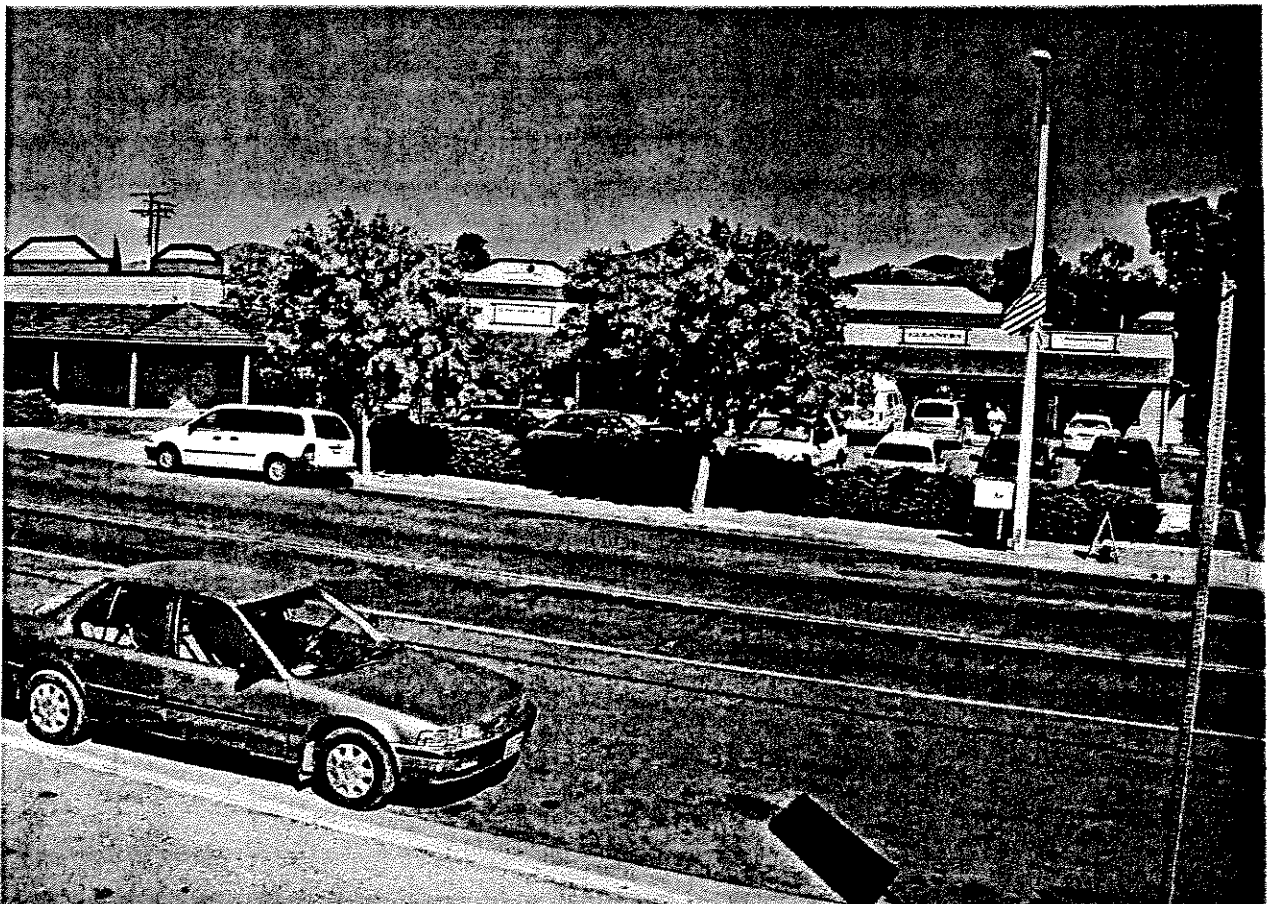
Darling Road



Adjacent residential developments



Single-family residence along Agua Dulce Canyon Road



Commercial developments along Agua Dulce Canyon Road



